

Also, a bill (H. R. 13598) donating a 3-inch field gun, with carriage, to the Sockanosset School for Boys, at Howard, R. I.—to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COOPER of Wisconsin: Petition of Grand Chief Templar W. H. Clark and Secretary H. A. Larson, in behalf of 11,000 Good Templars of Wisconsin, for the protection of the New Hebrides against American rum and guns—to the Committee on Alcoholic Liquor Traffic.

By Mr. FOSTER: Petition of Smith-Wallace Shoe Company and other manufacturers of Chicago, Ill., praying for the removal of the duty on hides—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the synod of the Reformed Presbyterian Church, F. M. Foster, moderator, asking that no appropriations be made for expositions unless it is provided that they be closed on the Lord's day—to the Committee on Appropriations.

Also, petition of Wilson Memorial Methodist Episcopal Church, of Washington, D. C., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GRIFFITH: Papers to accompany House bill No. 11678, granting an increase of pension to James Scroggum—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: Petitions of keepers and surfmen of Cape Henlopen, Lewes, and Rehoboth stations, favoring the passage of bill to promote the efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Resolutions of the faculty of the College of Liberal Arts of the State University of Iowa, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. LOUDENSLAGER: Petition of 12 citizens of Haddonfield, N. J., relative to the exclusion of alcoholic liquor from Africa and all countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. MESICK: Petitions of keepers and surfmen of Two Heart River station and Charlevoix station, favoring bill to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. NAPHEN: Resolutions of Kearsarge Association, Naval Veterans, of Boston, Mass., for the passage of Senate bill No. 3422, an act to equalize the rank and pay of certain retired officers of the Navy—to the Committee on Naval Affairs.

By Mr. NORTON of Ohio: Papers to accompany House bill for the relief of Col. Azer H. Nickerson—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of Rev. H. J. Norris and others, of Fort Wayne, Ind., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. RUPPERT: Petition of the Ohio Valley Association requesting Congress to make additional appropriations for continuing certain improvements in the Ohio River—to the Committee on Rivers and Harbors.

Also, petition of the interstate-commerce law convention advocating the speedy passage of House bill No. 1439, amending the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Maritime Association of the Port of New York advocating governmental aid to shipping, and the passage at this session of some measure that will accomplish this purpose—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHOWALTER: Petition of 75 citizens of Beaver County, Pa., for the ratification of the treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Foreign Affairs.

Also, petition of Rufus D. Hindman, of Butler, Pa., to remove the charge of desertion from his military record and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. THAYER: Petition of the internal-revenue gaugers, storekeepers, etc., of the collection district of Massachusetts, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

Also, petition of citizens of Westboro, Mass., against the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Iowa: Petition of J. H. Carpenter and others, of Le Mars, and of the Methodist Episcopal Church of Hawarden, Iowa, urging the ratification of a treaty between civilized nations relative to alcoholic trade in Africa, and to prevent the sale of opium, intoxicants, etc., to undeveloped and childlike races—to the Committee on Alcoholic Liquor Traffic.

Also, petition of F. R. Brennan and 9 others, of Iowa, against the parcels-post system—to the Committee on the Post-Office and Post-Roads.

#### SENATE.

WEDNESDAY, January 16, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

#### FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims relating to the vessel brig *Betsey*, George R. Turner, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### ELECTORAL VOTES OF NEBRASKA, LOUISIANA, AND KANSAS.

The PRESIDENT pro tempore laid before the Senate three communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Nebraska, Louisiana, and Kansas, at the elections held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 415) granting an increase of pension to John Roop;  
A bill (S. 823) granting an increase of pension to Brice Davis;  
A bill (S. 946) granting an increase of pension to Stephen Johnson;

A bill (S. 952) granting an increase of pension to Francis M. Porter;

A bill (S. 993) granting an increase of pension to Edwin S. Anderson;

A bill (S. 1240) granting a pension to Samuel Nichols;

A bill (S. 1246) granting an increase of pension to Charles A. Perkins;

A bill (S. 1280) granting an increase of pension to Alfred Her-ring;

A bill (S. 1282) granting an increase of pension to Thomas G. Huff;

A bill (S. 1456) granting an increase of pension to Fordyce M. Keitle;

A bill (S. 1463) granting an increase of pension to Jasper Pitts;

A bill (S. 1588) granting a pension to Eva Clark;

A bill (S. 1627) granting an increase of pension to George B. Hayden;

A bill (S. 1775) granting an increase of pension to Andrew J. Arnett;

A bill (S. 2110) restoring the pension of John R. McCoy;

A bill (S. 2305) granting a pension to Eliza D. Pennypacker;

A bill (S. 2333) granting an increase of pension to James Osborn;

A bill (S. 2486) granting an increase of pension to Susan Daniels;

A bill (S. 2753) granting an increase of pension to David H. Morey;

A bill (S. 2755) granting an increase of pension to Isaac N. Cissna;

A bill (S. 2767) granting a pension to Nellie L. Parsons;

A bill (S. 2777) granting a pension to Benjamin F. Trapp;

A bill (S. 2819) granting an increase of pension to Henry Van Gelder;

A bill (S. 2827) granting an increase of pension to Cornelius Shroder;

A bill (S. 2834) granting an increase of pension to Ann E. Cluke;

A bill (S. 2884) for the relief of Edward Everett Hayden, an ensign on the retired list of the Navy;

A bill (S. 2954) granting an increase of pension to Elam Kirk;

A bill (S. 3079) granting an increase of pension to William Oliver;

A bill (S. 3137) granting an increase of pension to Lunsford Ellis;

A bill (S. 3223) granting an increase of pension to William R. McMaster;

A bill (S. 3440) granting an increase of pension to George W. Harrison;

A bill (S. 3342) granting a pension to Samuel Dornon;

A bill (S. 3512) granting an increase of pension to Samuel Schütz;

A bill (S. 3517) granting an increase of pension to Adam Velten;

A bill (S. 3522) granting an increase of pension to Eben E. Pushor;

A bill (S. 3574) granting a pension to Julia Van Wicklen;

A bill (S. 3624) granting a pension to Henry K. Davis;  
 A bill (S. 3642) granting a pension to Augustus R. Rollins, alias Rhenault A. Rollins;  
 A bill (S. 3729) granting a pension to Prudence Reamer;  
 A bill (S. 3954) granting an increase of pension to Caroline Z. Repetti;  
 A bill (S. 3991) granting an increase of pension to Sylvester Salomon;  
 A bill (S. 4105) granting an increase of pension to John Coombs;  
 A bill (S. 4128) granting a pension to Hester A. Phillips;  
 A bill (S. 4191) granting a pension to Anna E. Littlefeld;  
 A bill (S. 4212) granting an increase of pension to Edyth M. Muck;  
 A bill (S. 4241) granting an increase of pension to William T. Grattin;  
 A bill (S. 4261) granting a pension to Frances M. Cellar;  
 A bill (S. 4288) granting an increase of pension to Elizabeth Brooks;  
 A bill (S. 4296) granting an increase of pension to Frances E. Childs;  
 A bill (S. 4420) granting an increase of pension to James Irvine;  
 A bill (S. 4548) granting an increase of pension to Albert A. Roberts;  
 A bill (S. 4552) granting an increase of pension to Joseph Smith;  
 A bill (S. 4553) granting an increase of pension to Benjamin Rippleman;  
 A bill (S. 4555) granting an increase of pension to Stephen Longfellow;  
 A bill (S. 4557) granting an increase of pension to Lucy E. Danilson;  
 A bill (S. 4742) granting an increase of pension to Jesse F. Gates;  
 A bill (S. 4771) granting an increase of pension to Gilbert F. Colby; and  
 A bill (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee.

#### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Maritime Association of the port of New York, praying for the extension of the breakwater at Point Judith, R. I., on the eastern side of the shore; which was referred to the Committee on Commerce.

He also presented a petition of the Maritime Association of the port of New York, praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of New York, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented a petition of Weavers' Union No. 164, of Jamestown, N. Y., praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Union No. 168, Coopers' International Union, of Rochester, N. Y., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps for eighth and sixth barrels of beer; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Alexander Rae and sundry other citizens of Brooklyn, N. Y., and the petition of G. W. Miner and sundry other citizens of Watertown and Patterson, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented the petition of John N. Rees and 73 other citizens of South Bend, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of Hinkle, Barbour & Co. and 9 other business firms of Evansville, Ind., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented the memorial of Henry C. Davis and 27 other citizens of Kokomo, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Robert Huddleson and 12 other citizens of Guilford, Ind., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleo-

margarine; which was referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented a petition of sundry citizens of Topeka, Kans., praying for the enactment of legislation providing for two or more colored regiments in the reorganized Army, composed entirely, from the colonel down, of members of the colored race; which was referred to the Committee on Military Affairs.

He also presented sundry petitions of citizens of Garnett, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Osage City, Alma, and Downs, all in the State of Kansas, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented the petition of Frank Fountain, keeper of the life-saving station at Charlevoix, Mich., and the petition of Albert Ocha, keeper, and seven other members of the crew of the life-saving station at Two Hearts River, Michigan, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented the petition of S. S. Daish & Sons, of Washington, D. C., praying for the incorporation of a new telephone company in the District of Columbia; which was ordered to lie on the table.

Mr. NELSON presented the petition of Dr. R. B. Leach, of St. Paul, Minn., praying that a commission be appointed by Congress to investigate and report on the efficacy of arsenization prophylaxis for the prevention of yellow fever, Asiatic cholera, and the bubonic plague; which was referred to the Committee on Public Health and National Quarantine.

Mr. KEAN presented the petition of A. C. Townsend, keeper, and 5 other members of the life-saving crew at Pecks Beach; of Joseph Shible, keeper, and 7 other members of the life-saving crew at Spring Lake, and the petition of William E. Miller and 7 other members of the life-saving crew at Island Beach, all in the State of New Jersey, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

Mr. FRYE presented the petition of T. J. Murphy and 30 other citizens of Lewiston, Me., praying for the repeal of the revenue stamp tax on bank checks; which was referred to the Committee on Finance.

He also presented a petition of the ninth annual convention of the National League of Commission Merchants of the United States, praying for the repeal of the revenue-stamp tax on drafts, checks, telegrams, and express packages; which was referred to the Committee on Finance.

He also presented the petition of A. B. Myers, keeper, and 7 other members of the crew of the life-saving station at Quoddy Head, Maine, and the petition of O. B. Hall, keeper, and 7 other members of the crew of the life-saving station at Crumple Island, Maine, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

#### REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 11768) granting an increase of pension to John Walker; and

A bill (S. 5494) granting an increase of pension to John S. Mitchell.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1698) for the relief of Henry Hegwer, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4800) granting a pension to Joseph Crawford;

A bill (S. 3935) granting an increase of pension to James Ryan;

A bill (H. R. 9382) granting a pension to Adella M. Anthony;

A bill (H. R. 4651) granting a pension to Emily Alder;

A bill (H. R. 12061) granting an increase of pension to Henry S. Topping;

A bill (H. R. 2399) granting an increase of pension to Edward McDuffey;

A bill (H. R. 12245) granting an increase of pension to Henry A. Jordan;

A bill (H. R. 11091) granting a pension to Ambrose Brisett; and

A bill (H. R. 10567) granting a pension to Mary L. Tweddle.



Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 12737) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 5115) granting permission to Herbert W. Bowen, minister resident and consul-general of the United States to Persia, to accept a decoration tendered to him by His Majesty the Shah of Persia, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a joint resolution (S. R. 150) granting permission to Dr. Eugene Wasdin and Dr. H. D. Geddings, both of the United States Marine-Hospital Service, to accept decorations tendered to them by the Italian Government; which was read twice by its title.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 14th instant, conferring jurisdiction upon the Court of Claims to examine and adjudicate all claims of citizens of the United States against Spain, in accordance with the terms of the seventh article of the treaty concluded between the United States and Spain on the 10th day of December, 1898, intended to be proposed by him to the diplomatic and consular appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate \$100,000 for repairs, improvements, and additions to legation buildings and grounds for use of the legation of the United States at Peking, China, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed, and, with the letter of the Acting Secretary of State, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate \$600 to pay the assistant clerk of the Committee on Foreign Relations for services rendered by him in the preparation of the work entitled "Precedents with Reference to Treaties Between the United States and Foreign Relations," intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to increase the salary of the minister resident and consul-general of the United States to Persia from \$5,000 to \$10,000 per annum, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. FORAKER, from the Committee on Foreign Relations, reported an amendment proposing to appropriate \$5,000 to indemnify Gustav Isak Dahlberg, master of the Russian bark *Hans*, for his wrongful arrest and imprisonment by the deputy United States marshal for the southern district of Mississippi February 10, 1896, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to increase the salary of the secretary of legation and consul-general of the United States at Stockholm, Sweden, from \$1,500 to \$2,500 per annum, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 5594) for the relief of Capt. Gustav Isak Dahlberg; which was read twice by its title.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 4630) granting an increase of pension to James H. Bellinger, reported it without amendment, and submitted a report thereon.

#### ASSISTANT CLERK TO COMMITTEE.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FAIRBANKS on the 4th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on Public Buildings and Grounds be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of \$1,440 per annum, until otherwise provided for by law.

CASSIE ORME.

Mr. HARRIS. I move that the Committee on Pensions be discharged from the further consideration of the bill (S. 4823) for the relief of Cassie Orme, and that the bill be indefinitely postponed.

The motion was agreed to.

On motion of Mr. HARRIS, it was

*Ordered*, That the papers accompanying S. 4823, granting a pension to Cassie Orme be withdrawn from the files of the Senate.

#### PREFERENCE IN CIVIL APPOINTMENTS.

Mr. LODGE. I move to recommit to the Committee on Civil Service and Retrenchment the bill (S. 5417) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers. There has been no meeting of the committee on that bill, which was reported yesterday to the Senate. The committee was polled on the floor. I did not understand that it was to be reported. It is a bill of very great importance, which I think ought to have the discussion of the committee, and I ask that it may be recommitment.

Mr. HARRIS. I hope the Senator from Massachusetts will not insist on a recommitment. The bill has passed the Senate practically twice. It was reported from the same committee at the last session of the last Congress, and I think it is thoroughly understood. It provides for preference to old soldiers on the civil-service list, and any amendment of course can be offered to it when it is being considered.

Mr. LODGE. I do not wish to discuss the merits of the bill now. It has been up before the House of Representatives, with the addition of the soldiers of the Philippine and Spanish wars, and it was there rejected by a very large majority after full discussion. It is a very important bill. There has been no meeting of the committee upon it. Although I know it is common to poll committees on the floor, I am perfectly certain that there were other Senators who gave their names without fully understanding the bill. I know that is the case with the Senator from Colorado [Mr. WOLCOTT]. I think the request I make is not an unfair one, and we should have an opportunity to discuss in committee a bill of this magnitude. Of course I am ready to meet the committee at any moment. I have no desire to delay the bill, but I should like to have it recommitment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

Mr. HARRIS. I object, Mr. President.

Mr. LODGE. Then I move that the bill be recommitted to the Committee on Civil Service and Retrenchment.

The PRESIDENT pro tempore. At the present moment that motion would hardly be in order.

Mr. ALLEN. Regular order.

Mr. LODGE. Very well, I will submit it later.

The PRESIDENT pro tempore. The regular order is reports of committees.

#### LEAVES OF ABSENCE TO CERTAIN EMPLOYEES.

Mr. ELKINS. With the consent of the chairman of the Committee on Education and Labor, I ask that the bill (S. 4906) providing for leaves of absence to certain employees of the Government be referred to the Committee on Naval Affairs, where it properly belongs, and which has jurisdiction of it.

The PRESIDENT pro tempore. The Senator from West Virginia asks that the bill indicated by him be taken from the Calendar and referred to the Committee on Naval Affairs. Is there objection? The Chair hears none, and it is so ordered.

#### RENT OF PREMISES BY POST-OFFICE DEPARTMENT.

Mr. CARTER. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 13274) to authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department, to submit a favorable report thereon, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. It will be read to the Senate in full.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HALE. I do not object, but it is only a short time since the Government has erected a very large building on the south side of Pennsylvania avenue for the use of the Post-Office Department. I ask the Senator from Montana whether the time has already come when there is such an overflow that we need to rent buildings for the uses of the Post-Office Department?

Mr. CARTER. The letter which is embodied in the report presented in the House of Representatives will explain the point raised by the Senator from Maine, and I ask that it be read from the desk.

The PRESIDENT pro tempore. The letter will be read by the Secretary.

Mr. ALLEN. Mr. President, I think I will object to the consideration of the bill at the present time.

The PRESIDENT pro tempore. The Senator from Nebraska objects to the present consideration of the bill. It will be placed on the Calendar.

#### BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 5585) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," which was read twice by

its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5586) granting an increase of pension to John F. Townsend; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 5587) referring the claim of Hannah S. Crane and others to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5588) to provide an American register for the steamer *Enterprise*; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5589) to amend the mining laws of the United States; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. CLAY (by request) introduced a bill (S. 5590) for the relief of Gilbert E. L. Falls; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 5591) to amend the charter of the Mutual Fire Insurance Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PROCTOR introduced a bill (S. 5592) granting a pension to May D. Liscum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 5593) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ELKINS introduced a bill (S. 5595) for the relief of the late Andrew S. Core; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5596) for the relief of the trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PRITCHARD (by request) introduced a bill (S. 5597) for the relief of the widow and heirs of William H. Bell, deceased; which was read twice by its title, and referred to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted an amendment proposing to appropriate \$7,500 to grade, regulate, and macadamize Seventh street, from Bunker Hill road to Rhode Island avenue; also Cincinnati street, from Seventh street northeast to Fourth street northeast, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$3,000 for grading, repairing, pavement of gutters, and improving Thirty-seventh street, between New Cut road and Tennallytown road, and other streets in Burleigh addition, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. McENERY submitted an amendment proposing a further appropriation of \$20,000 for removing the aquatic plant known as the water hyacinth from the navigable waters of the States of Florida and Louisiana, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BUTLER submitted an amendment proposing to increase the appropriation for continuing the improvement of Cape Fear River, North Carolina, from \$10,000 to \$20,000, and providing that one-half of the amount be expended in removing the obstructions at the mouth of the Brunswick River, below Wilmington, N. C., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the appropriation for salary of two deputy clerks in the office of the police court from \$1,000 to \$1,200, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

#### LIFE-SAVING SERVICE.

On motion of Mr. NELSON, it was

*Ordered*, That the bill (S. 5211) to fix the compensation of district superintendents in the Life-Saving Service be recommitted to the Committee on Commerce.

#### PREFERENCE IN CIVIL APPOINTMENTS.

Mr. LODGE submitted the following resolution; which was read:

*Resolved*, That Senate bill 5417, to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers, be recommitted to the Committee on Civil Service and Retrenchment.

Mr. ALLEN. I hope the Senator from Massachusetts will wait until the Senator from Kansas [Mr. HARRIS] comes into the Chamber.

Mr. LODGE. I beg pardon. I did not observe that he is absent. The resolution will go over under the rule.

Mr. ALLEN. Let it go over.

Mr. LODGE. It will go over under the rule and come up tomorrow.

The PRESIDENT pro tempore. The resolution will lie over.

JESSIE A. BRUNER.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 5119) granting a pension to Jessie A. Bruner.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "surgeon," to strike out "of the," and in line 9, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie A. Bruner, widow of James F. Bruner, late assistant surgeon, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$17 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### STATEMENT OF M. L. LOCKWOOD.

Mr. KYLE. During the past summer and during the discussion of the work touching the Industrial Commission some exceptions were taken to the editing of the testimony given before the commission by Mr. M. L. Lockwood, of Zelenople, Pa. His evidence given before the commission at that time, as printed in the RECORD, I think contained a misprint. Mr. Lockwood desires to have it corrected in the RECORD, and the best way probably is to have his letter printed just as it is. I therefore ask unanimous consent that that be done.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the letter which he has sent to the desk may be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

ZELIENOPLE, PA., January 14, 1901.

DEAR SIR: You will remember that I wrote you shortly before the adjournment of the Senate last summer calling your attention to the fact that you had presented to the Senate and printed in RECORD, which appears on page 6736, what purported to be a portion of my testimony before the Industrial Commission, in which, in answer to an inquiry as to what I knew of the corruption fund in New York State, I was made to say, "No; I did not say a corruption fund, but from what I know of the campaign I am satisfied that there was a lot of money used." The answer, as you have it recorded, makes me swear that I did not say what I had just said. My true answer to that inquiry was, "Oh, I did not see the corruption fund, but from what I know of the campaign I am satisfied there was a lot of money used." The answer as recorded in the CONGRESSIONAL RECORD substitutes the word "No" for "Oh" and the words "say a" for the words "see the," which entirely changes the meaning.

Will you kindly have this correction entered in the RECORD, that it may conform to the facts and undo, as far as possible, the wrong that has been done me? You will remember that in our correspondence over the matter Professor Jenks explained how he thought the mistake might have been made.

Yours, most truly,

M. L. LOCKWOOD.

Senator KYLE.

Senate Chamber, Washington, D. C.

#### THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I ask for the consideration of the Army bill. There being no objection, the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. ALLEN. Mr. President—

Mr. PLATT of Connecticut. What is the pending question?

The PRESIDENT pro tempore. The amendment offered by the Senator from Wyoming [Mr. WARREN].

Mr. PLATT of Connecticut. I happened to be in the chair and laid that amendment before the Senate, and it was found that it was proposed to offer it to a portion of the bill which had been stricken out. Therefore I suppose the amendment is not in order.

The PRESIDENT pro tempore. The attention of the Senator from Wyoming is invited.

Mr. WARREN. I did not hear what the Senator said.

The PRESIDENT pro tempore. The attention of the Senator is called to the fact that the amendment which he offered yesterday to the reorganization bill is offered to a section which is not now in the bill, and it must be offered to some other place.

Mr. WARREN. It may be laid aside. I do not desire to press it.



The PRESIDENT pro tempore. The amendment will then be laid aside for the present.

Mr. HAWLEY. I wish to ask a question for information. I am greatly pressed to yield a moment for a matter considered to be of great importance. I want to know if by yielding to the consideration of that measure the Army bill will lose its place. By so doing shall I lose my position?

The PRESIDENT pro tempore. The Army bill is in its place by unanimous consent.

Mr. ALLEN. I rose to address the Senate upon the Army bill.

Mr. SPOONER. Will the Senator from Connecticut yield to me?

The PRESIDENT pro tempore. The Senator from Nebraska has been recognized, and is entitled to the floor.

Mr. ALLEN. I will yield the floor temporarily.

Mr. HAWLEY. I am willing to yield for anything of serious importance if I do not lose my place.

Mr. ALLEN. I yield temporarily to the Senator from Idaho.

#### LEAVES OF ABSENCE OF ARMY OFFICERS.

Mr. SHOUP. Mr. President, a few days ago I called up the joint resolution (S. R. 134) relating to leaves of absence granted officers of the Army. The joint resolution was read, but the consideration was objected to by the senior Senator from South Dakota [Mr. PETTIGREW]. I understand that that Senator is willing to withdraw his objection. I desire now to have the joint resolution put upon its passage.

The joint resolution was read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. PETTIGREW. I do not object, but I should like to hear the report read. I want to hear the reasons for the passage of the joint resolution.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. SHOUP on the 5th instant, as follows:

The Committee on Military Affairs, to whom was referred the joint resolution (S. R. 134) relating to leaves of absence granted officers of the Army, have examined the same and recommend that the resolution pass with the following amendment:

Strike out the words "the islands of Cuba or Porto Rico or the Philippine Islands," in lines 5 and 6, and insert in lieu thereof the words "without the limits of the United States."

There is hereto attached and made a part of this report letters from the Secretary of War explaining the importance of the proposed legislation.

#### WAR DEPARTMENT, Washington, June 2, 1900.

SIR: On October 13, 1898, the Secretary of War made an order fixing the dates of commencement and termination of leaves of absence granted officers of the Army serving in our island possessions or Alaska as of the dates they reached the United States on such leaves, and the dates of departure therefrom in returning to their commands.

The law, section 1265, Revised Statutes, provides that officers on sick leave shall receive full pay, and those absent with leave from other causes shall be entitled to full pay "not exceeding in the aggregate thirty days in one year, and half pay during such absence exceeding thirty days in one year," but the matter of the dates of commencement and termination of leaves has always been provided for in the Army Regulations.

Many years ago, when the distant frontier stations were not reached by railroads and much time was necessarily consumed by officers in traveling from and to their commands, leaves were held to have terminated on the dates the officers reached the limits of the military departments in returning to distant stations located therein.

An officer serving in the Philippines who finds it necessary to come home on leave consumes four to six weeks in sea travel each way, and as he is entitled to but one month each year on full pay, if granted, for instance, three months' leave, he would consume over two months of it in sea travel, with reduced pay after one month, and would actually enjoy less than one month's leave on the business for which he obtained it. To meet this condition, which did not exist when the law governing pay on leave was passed, the order referred to was issued as a matter of simple justice to the officers concerned.

The Comptroller of the Treasury, however, has decided, under date of May 28, 1900, that an officer serving in one of our island possessions, if granted leave, must, under the law, be regarded as on the status of leave from the date he leaves his command until the date he actually rejoins it, and be subject to a reduction of pay after thirty days' absence in any one year, without regard to the order of the Secretary of War dated October 13, 1898.

In the case upon which this decision was given a stoppage of pay was made on account of alleged overpayment to the officer, and in order to prevent similar stoppages in cases of other officers who have received pay in accordance with the War Department order, and to prevent what would be an obvious injustice to other officers who may be serving abroad and granted leaves hereafter, it is urgently recommended that the accompanying joint resolution be passed before Congress shall have adjourned.

Very respectfully,

ELIHU ROOT,  
Secretary of War.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,  
United States Senate.

#### WAR DEPARTMENT, Washington, December 21, 1900.

SIR: I send you herewith a joint resolution (S. R. 134) which you introduced on the 7th of June last and which was referred to the Committee on Military Affairs. This matter is one of considerable import, owing to the fact that the order of the Secretary of War, having been held up by the Comptroller as without warrant of law, a large number of payments to officers have been suspended and the officers would occupy a status of absence without leave unless the Department further intervenes by extending leaves, many of which carry a half-pay status.

Your attention is invited to my letter of June 2, 1900, transmitting this resolution, and I earnestly hope this matter may receive immediate attention,

as it will be of great benefit to many deserving officers to have an early adjustment, and will be the only fair and equitable arrangement which can be made for the future.

Very respectfully,

ELIHU ROOT,  
Secretary of War.

Hon. J. R. HAWLEY,  
United States Senate, Washington, D. C.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which had been reported from the Committee on Military Affairs, with an amendment, in line 5, to strike out the words "the islands of Cuba or Porto Rico or the Philippine Islands," and to insert "without the limits of the United States;" so as to make the joint resolution read:

*Resolved, etc.*, That leaves of absence which may be granted officers of the Regular or Volunteer Army serving in the Territory of Alaska or without the limits of the United States, for the purpose of returning thereto, or which may have been granted such officers for such purpose since the 13th day of October, 1898, shall be regarded as taking effect on the dates such officers reached, or may have reached, the United States, respectively, and as terminating, or as having terminated, on the respective dates of their departure from the United States in returning to their commands, as authorized by an order of the Secretary of War dated October 13, 1898.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### COURTS IN WEST VIRGINIA.

Mr. ALLEN. I yield to the Senator from Wisconsin.

Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 953) to divide the State of West Virginia into two judicial districts.

Mr. JONES of Arkansas. I object to the consideration of that bill.

Mr. SPOONER. I ask the unanimous consent of the Senate that the Army bill be temporarily laid aside to enable me to move to proceed to the consideration of this bill.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the Army bill be laid aside temporarily in order that he may move that the Senate proceed to the consideration of the bill he has indicated.

Mr. ALLEN. I desire to retain the floor, however, upon the Army bill.

Mr. SPOONER. Certainly.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Nebraska upon the Army bill. Is there objection to the request of the Senator from Wisconsin?

Mr. HAWLEY. I yield for the consideration of this bill, relying upon the Senate to permit me to take up the Army bill immediately after it is concluded.

Mr. LODGE. It is laid aside only temporarily.

The PRESIDENT pro tempore. The Chair hears no objection. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill (H. R. 953) to divide the State of West Virginia into two judicial districts.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the following acts and joint resolution:

- An act (S. 1924) granting a pension to Emma R. Rusling;
- An act (S. 2190) granting a pension to Emma J. Bidwell;
- An act (S. 2386) granting a pension to Joseph E. Hendrickson;
- An act (S. 2557) granting a pension to Josephine Brown;
- An act (S. 2985) granting a pension to John Erb;
- An act (S. 3235) granting a pension to Andrew Ferguson;
- An act (S. 3356) granting a pension to Mary J. Quinn;
- An act (S. 3436) granting a pension to Catharine Weinheimer;
- An act (S. 3470) granting a pension to Rosalia Tejedor Brinckenhoff;
- An act (S. 1599) granting an increase of pension to Cornwell M. Brill;
- An act (S. 1876) granting an increase of pension to John J. Wilson;
- An act (S. 2159) granting an increase of pension to Ernst Pitschner;
- An act (S. 2462) granting an increase of pension to Emma L. Du Bois;
- An act (S. 2540) granting an increase of pension to Byron Kurtz;

An act (S. 2543) granting an increase of pension to Edward A. Parmalee;  
 An act (S. 2774) granting an increase of pension to John H. Wilcox;  
 An act (S. 2831) granting an increase of pension to Ermine D. Cabbell;  
 An act (S. 3049) granting an increase of pension to Mary V. Wilmarth;  
 An act (S. 3056) granting an increase of pension to Giles W. Taylor;  
 An act (S. 3127) granting an increase of pension to Maj. A. Northrop;  
 An act (S. 3306) granting an increase of pension to Lucinda D. Dow;  
 An act (S. 3466) granting an increase of pension to John F. Hutchison;  
 An act (S. 3505) granting an increase of pension to Edwin Culver;  
 An act (S. 3880) granting an increase of pension to Clara E. Colbath;  
 An act (S. 4184) granting an increase of pension to Evelyn Neale Murray;  
 An act (S. 4688) granting an increase of pension to James U. Childs; and  
 The joint resolution (S. R. 144) to fill a vacancy in the Board of Regents of the Smithsonian Institution.  
 The message also announced that the President of the United States had, on the 15th instant, approved and signed the following bills:

An act (S. 476) granting a pension to Franklin Cooley;  
 An act (S. 1894) granting a pension to Rebecca Harvey;  
 An act (S. 2152) granting a pension to Olive W. Lay;  
 An act (S. 2217) granting a pension to Louise O'Leary;  
 An act (S. 2218) granting a pension to Mary R. Dean;  
 An act (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County and the expenditures made on account of said county by said State, and for other purposes.  
 An act (S. 2830) granting a pension to Ailsie Bennett;  
 An act (S. 3099) granting an increase of pension to Melancthon McCoy;  
 An act (S. 3134) granting a pension to Martha Agnew;  
 An act (S. 4256) granting a pension to James H. Thomas; and  
 An act (S. 3536) restoring to the pension roll the name of Mary J. Calvin.

#### THE MILITARY ESTABLISHMENT.

The Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. ALLEN. Mr. President—

Mr. TELLER. If the Senator from Nebraska will permit me, I wish to offer an amendment at this time.

Mr. ALLEN. I yield to the Senator.

Mr. TELLER. I move that the portion of section 29 on page 41 be stricken out, beginning:

That when in the opinion of the President the interests of the service will be benefited thereby, etc.

The committee, I believe, agree that that may go out. I think the adoption of that amendment will save a good deal of debate.

The PRESIDENT pro tempore. The Senator from Colorado moves to strike out the portion of the bill which will be read.

Mr. TELLER. I want the Senate to take a vote on that at this time.

The SECRETARY. On page 41, line 18, after the words "Sec. 29," it is proposed to strike out:

That when in the opinion of the President the interests of the service will be benefited thereby, he is empowered to place upon the retired list, by Executive order, any officer who has been suspended from duty, either by sentence of court-martial or by virtue of an Executive order in mitigation of such sentence, for a period extending to or within one year of the time of his compulsory retirement for age.

The PRESIDENT pro tempore. The question is on the amendment striking out the part of section 29 which has been read.

The amendment was agreed to.

Mr. CARTER. If the Senator from Nebraska will yield to me for a moment, I believe that the propositions embraced in the bill likely to lead to protracted debate have been practically disposed of, and in view of the general desire existing to take a vote at an early hour on the bill and amendments I ask unanimous consent that the hour of 4 o'clock to-morrow be fixed as the time for taking the vote on the bill and all amendments then pending.

Mr. HAWLEY. I make no objection, but it has been understood for an hour past, on consultation with the steering committee and another committee, that I was to make that request.

Mr. CARTER. I will withdraw the request, Mr. President, if the Senator from Connecticut so desires.

Mr. HAWLEY. Oh, no.

The PRESIDENT pro tempore. Is there objection to the request that unanimous consent be granted that at 4 o'clock to-morrow afternoon the vote may be taken, without further debate, on the bill now before the Senate, and all amendments then pending?

Mr. ALLEN. For the time being, I desire to object. I may not object hereafter.

The PRESIDENT pro tempore. The Senator from Nebraska objects.

Mr. ALLEN. Mr. President, the objection I have just made to fixing a time to vote on this bill must not be taken as expressive of my view at all. I do not think it is wise at this time until it is reasonably certain that debate is at an end, or practically so, to fix a time to vote.

Mr. President, I am opposed to the passage of this bill in any form in which it can be amended. In my judgment the bill is entirely and radically wrong. It is wrong in its policies; wrong in its purposes; wrong in the details of its provisions, and radically wrong constitutionally in many respects.

I fully appreciate the desires of those in charge of the bill to hasten it to passage, so as to clear the way for appropriation and other important bills, but I think a measure of this kind ought not to pass the Senate and ought not to become a law without at least reasonable discussion.

The honorable senior Senator from New Jersey [Mr. SEWELL] yesterday, in addressing the Senate, concluded his remarks with this language, speaking of this bill:

The necessities are great. There is no reason for delay that I can possibly see. The bill ought to be passed. We can not do this work—we can not recruit men and send them there—

#### Speaking of the Philippine Islands—

to take the place of those who have got to be brought back in less than five months. Every day is precious.

I regret that I disagree, as I usually do, with my friend from New Jersey, for I can see no necessity whatever for the passage of this bill in its present form. The Senator assumes in what he says that it is perfectly legitimate for us to conduct a war against the Filipinos, that it is perfectly proper to continue existing conditions there, and that this bill should pass readily and become a law, and men be enlisted under the provisions of the act and sent to the Philippine Islands to continue the present war, if it amounts to the dignity of war, there in existence.

I do not propose to discuss the merits of the Philippine question. I presume my attitude respecting that question is well understood. The Philippine Islands are either a part of the territory of the United States, as much so as the District of Columbia, as much so as any State or Territory of the Union, or they are not part of the United States. There is no middle ground.

We ratified the treaty of Paris here, Mr. President, two or three years ago, by which we took a nominal title to the Philippine Islands, but it was well understood at that time in this Chamber that we were acting more in the nature of a trustee of an express trust than in the nature of proprietor of these so-called new possessions. It was well understood at that time that the Philippine Islands would be permitted to set up a government of their own, exactly as we had promised Cuba that she should set up a government of her own, and that no attempt whatever would be made, upon the part of this Government, to reduce those islands to colonies of the United States, or hold them in subjection any further or any longer than was necessary to enable them to set up a government of their own and get well under way with that government.

The whole policy of the Administration, it seems, has changed since then. Why it has changed I do not know; and now we are engaged, and have been engaged since the close of the Spanish-American war, in fighting those feeble people, who are struggling simply for their liberty and for the privilege of erecting and conducting a government such as we ourselves enjoy.

I want to address myself, first, to this namby-pamby idea, which breaks out here in the Senate every day or two, that whenever a Senator speaks of the Philippine Islands or of the Filipinos he is to be characterized as a traitor. That seems to be a pat expression here.

Mr. President, the Filipinos never owed this Government any allegiance. They do not owe this Government allegiance to-day. So far as the legal status existing between the United States and the Philippine Islands is concerned they are a foreign people, owing no allegiance whatever, except to such government as they themselves have, however weak, puny, and indifferent that government may be. There can not be a rebel without a government to rebel against. They are not rebels. They may be insurgents.

I am opposed to the increase of the Army under this bill because the avowed purpose of that increase is to send the men to be raised under this bill to the Philippine Islands for the purpose of continuing this unholy war against those people. No man can point out, and no man has pointed out, why we should send thousands of troops year after year to conduct a war against those weak and



struggling people, except the commercial interest of this country, which is dominant in the Republican party, demands it. Because I believe those people should be entitled to set up and conduct a government of their own, just as I believe every people and every country should be permitted to set up and conduct such government as they themselves see fit, I am opposed to putting into the hands of the Administration any instrument by which it can strike them down or impede them in their progress to that end.

It is said that certain emergencies exist. What are those emergencies? It is said the President would have the right to raise the Army from the minimum to the maximum of 100,000 men to meet existing emergencies. What are they? Simply the condition in the Philippine Islands and the condition existing in China, which, I understand, does not require any more troops and is not likely to require any more. So the purpose of increasing the Army, or giving the President of the United States the power to increase the Army from a minimum of fifty-odd thousand to the maximum of 100,000 is for the purpose, as the Senator from New Jersey [Mr. SEWELL] says, of transporting them to the Philippine Islands hurriedly to supply the places of troops who are to be withdrawn, and to continue this war against the people in those islands. That may be an emergency; but, in my judgment, Mr. President, it is no such emergency as would justify Congress in giving this large discretionary power to the President of the United States.

The Senator from Ohio [Mr. FORAKER] and the Senator from New Jersey [Mr. SEWELL] yesterday both referred to certain statutes that have been passed heretofore in the history of Congress as precedents for the flexibility in this bill, and they seemed to take it for granted that Congress having enacted such laws in the past, therefore that furnishes a sufficient legal precedent for the passage of this bill, and that no man ought to contest the right to do so. I do not accept the idea that a bad precedent furnishes a precedent for another bad or vicious act.

The question of the constitutionality of those acts was never debated, so far as we know, or the right of Congress to abdicate its power and turn that power over to the President of the United States was never under discussion when those bills were before Congress. Therefore the whole question is *res nova* so far as this bill is concerned. I do not take it, Mr. President, that the acts which have been cited by the Senator from Ohio and the Senator from New Jersey will have any weight in this discussion upon the mind of any Senator, unless he is predisposed, before investigating the question to vote this bill through whether or not.

Reference has been made, and was made at length by my distinguished friend from Georgia [Mr. BACON], to the constitutional powers of the President and the constitutional powers of Congress. To that I desire to refer briefly, and, of course, necessarily in this kind of a discussion, in a very fragmentary and irregular way.

The whole powers of Congress respecting war are to be found in certain subdivisions of section 8, Article I, of the Constitution, and they are as follows:

The Congress shall have power \* \* \* to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;  
To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

I believe that is all that can be found in the Constitution upon the subject of our Army and Navy and the militia forces of the different States. Now, Mr. President, let me trace briefly—and imperfectly, of course, as it necessarily must be imperfect in an address of this kind—the source from which this authority sprang.

The first real Constitution of the United States was adopted by the Continental Congress in 1776, in the adoption of the Declaration of Rights, and to that I desire to refer for a moment.

On the 7th of June, 1776, Richard Henry Lee, of Virginia, introduced into the Continental Congress this resolution—which was subsequently adopted—which may be said to be the first Constitution of the United States:

That these United Colonies are, and of right ought to be, free and independent States; and that political connection between them and the State of Great Britain is, and ought to be, totally suppressed.

The word "suppressed" was afterwards changed.

That resolution eventually was adopted; but following that, within a short period, was the appointment of a committee of the Continental Congress, consisting of John Adams, Thomas Jefferson, Roger Sherman, Benjamin Franklin, and Robert R. Livingston, to draft the Declaration of Independence. It was drafted by that committee, being largely the work of Mr. Jefferson, as we

well know. That Declaration was reported and adopted on the 4th of July, 1776, and became the second Constitution of the United States of America, and embraced much of the language contained in the Declaration of Rights, which I have just read.

Mr. President, that was a Federal government. It was a government of governments, a general government into which certain subordinate governments as governments entered, constituting the Federal State.

Then, after a short time, came the Articles of Confederation, adopted, I think, in 1778, if I am not mistaken, but introduced before that. The Government still continued to be a Federal Government.

Then followed, as we all know, the years of doubt and inefficiency under the Articles of Confederation, when the Government of the United States was merely nominal. Then came the Constitutional Convention of 1787, the work of which was adopted in 1789, if I recollect correctly, in which the Government ceased to be purely Federal and became national in its character. There the States which had been colonies surrendered to the General Government, called for the first time the Government of the United States, certain powers.

Those colonies were prior to that time complete and supreme sovereignties within themselves; they were as complete as Great Britain itself; but through the Constitution of the United States, under which this Government to-day exists and under which it performs its various functions, the several colonies or separate States surrendered certain powers to the General Government, and reserved or retained to themselves those powers that were not surrendered. So the sovereign power of this nation to-day is divided between a General or National Government and the State governments, and the Federal character has in a measure disappeared.

It is a rule of construction of the Constitution, under which we are now operating, that power not granted by the States does not exist in the General Government. The Constitution of the United States is a constitution of enumerated powers, and a power not expressly enumerated or by necessary or convenient implication does not exist in the General Government. I am not a literal constructionist. I trust I am not a latitudinarian. I was not raised in that school of belief which favors a narrow, sordid, and sinister construction of the Constitution. I trust that I realize that every power necessary for this Government to exercise in providing for the great needs declared in the preamble of the Constitution can be found in the Constitution itself, either in express language or by necessary and proper implication.

If it be true that the Constitution of the United States is a grant of power, and if it be further true that the Government of the United States by the Constitution is divided into three great coordinate departments—the legislative, the judicial, and the executive—and that no one of those departments can constitutionally interfere with or discharge the duties of another, then when the Constitution confers upon Congress the power to raise and support armies that power must be exercised by Congress alone.

The Congress shall have power to raise and support armies.

The President? No. The President is made the Commander in Chief of the Army and the Navy, and Congress is charged with the duty of furnishing the Army and the Navy to the Commander in Chief, of saying how many men the Army shall consist of and how many vessels shall comprise the Navy of the United States, their character, and all the details. With that Army and with that Navy the President of the United States, as Commander in Chief of the Army and the Navy, must suppress rebellion, repel invasion, and conduct such war as can constitutionally and properly be conducted by this Government. He is not to be the judge. It is proper, perhaps, to listen to him; it is eminently proper that we should listen to his advice; but, after all, the constitutional duty rests upon the Congress of the United States to raise and supply the armies of the United States, and we have no right to delegate that power to the President or to anybody else. If it is a power that can be delegated, then we have as much right to delegate it to my distinguished friend from Wisconsin [Mr. SPOONER] as we have to the President of the United States, for if it can be delegated to one man, it can be delegated to another man, or to a dozen men, or to a hundred or a thousand.

Mr. CAFFERY. Will the Senator permit me?

The PRESIDING OFFICER (Mr. TOWNE in the chair). Does the Senator from Nebraska yield to the Senator from Louisiana?

Mr. ALLEN. Certainly.

Mr. CAFFERY. When Congress enacts a law to raise an army in the alternative, and provides, as it has, for an army of 54,000 men or for an army of 98,000 men, and allows the fixing of the number of men to be placed in the hands of the Commander in Chief, the President, I would ask the Senator who raises the army—the President or Congress?

Mr. ALLEN. I intended, Mr. President, to speak on that subject. It practically turns over to the President the power to raise



the army—I want to use the language of the Constitution—it practically turns over to the President the power “to raise armies.”

Mr. CAFFERY. I want to ask the Senator, further, is that a delegation of authority to the President to raise an army, or is it an original authority to the President to raise an army? In the first place, can Congress delegate to the President such power; and then, if it is a delegated power, can such delegation be made? If it is not a delegated power, what authority is there for Congress to give the President the power to raise an army?

Mr. ALLEN. Mr. President, according to my view Congress can no more delegate to the President of the United States the power vested in it by the Constitution than the President can delegate to Congress the power vested in him. We might as well say that the President of the United States can delegate to the Congress of the United States any one of the powers vested in him by the Constitution as to say that we can delegate to him a power vested in us by the Constitution. So, if the President exercises this power, he always exercises it as a delegated power, not as an original power, for he has no original power whatever in connection with the raising of an army, or no more, possibly, than the approval of the bill that we may pass for the raising of an army.

Mr. CAFFERY. Does Congress raise the Army by such a bill as is now before the Senate?

Mr. ALLEN. I will give an extreme illustration: Suppose we should pass a bill here fixing the minimum of the Army at 10,000 men, with the right of the President to call out a million or two million men whenever he saw fit to do so, under certain emergencies that might present themselves to him. I submit to my distinguished friend the Senator from Louisiana that that would practically be turning over to the President the power to raise the Army; and I ask him if that is not true?

Mr. CAFFERY. I have some doubt about that. I wanted the Senator to elucidate the point. Suppose we should pass a bill, to put an extreme case, to allow an army of a thousand men, and in contingencies or exigencies, in the judgment of the President, the army could be raised to a million men.

Mr. ALLEN. That is what I said a moment ago.

Mr. CAFFERY. To put an extreme case, would the Congress raise the Army or would the President raise the Army?

Mr. ALLEN. There is no doubt in my mind—I do not know what other gentlemen may think about it, and I am not concerned in knowing what they think about—but that that would be a practical abdication of the constitutional duty imposed upon Congress to raise and support armies. It is an absolute throwing down, an absolute refusal, an absolute abandonment of the high and sacred duty imposed upon the Congress of the United States by the people of the United States who adopted this Constitution. Now, if it can be done in one instance, it can be done in another instance. If we can abandon the power to raise and support an army, we can abandon any other power or any other duty that is imposed upon us by the Constitution of the United States, and delegate it to the President, or to John Smith, or to McGee, or to whoever we may see fit to delegate it.

Mr. ALLISON. I will ask the Senator whether this bill anywhere authorizes the President to support an army?

Mr. ALLEN. Only incidentally.

Mr. ALLISON. I call the attention of the Senator to the fact that there are two words—“raise” and “support” an army. This whole matter will not be completed until we in some way provide for the support of the Army.

Mr. ALLEN. That is very true, and I am glad the Senator has called my attention to it. Whenever you delegate to the President the power to raise an army, incidentally you pledge yourself to supply that army, because an army can not exist without supplies. Therefore, for all practical purposes—I do not care anything about the nominal situation—you turn over to the President the power to raise and supply that army, and you delegate absolutely and unqualifiedly this high and sacred duty imposed upon the Congress of the United States by the framers and the adopters of the Constitution.

Now, I submit, if that can be done in one instance, why can it not be done in others? As a matter of fact, it is done in others. Every day we pass laws here enlarging the powers of the President of the United States and abdicating the powers invested in Congress by the Constitution.

Mr. CAFFERY. I do not like to interrupt the Senator from Nebraska unduly.

Mr. ALLEN. It is no interruption at all.

Mr. CAFFERY. But I should like to call the attention of the Senator to the precedent quoted by the Senator from Ohio [Mr. FORAKER] the other day as to the Mexican war. That war, we all know, was brought about and existed for a long time without any declaration on the part of Congress. We all know the Executive power. We know that the Executive deals with foreign nations and all our external relations with them as to military affairs, and that the Presidential power to involve us in complica-

tions with foreign nations is very great. Now, then, I ask him whether the power to raise an army from a small to a very large army is not a very dangerous power to intrust with the Executive, as he has the power of involving our Republic in foreign complications and may need an army to maintain him?

Mr. ALLEN. I think that whole question was settled when the Constitution was adopted. The framers of the Constitution had that question under consideration and debated it at length, as Elliott's Debates, the Madison Papers, and the histories of Bancroft and Curtis and others will show. When the people adopted the Constitution and delegated the several powers to the several branches of the Government they concluded the whole question as to the danger and the expediency of the exercise of these respective powers. For instance, take the balance of this paragraph, which was under discussion here yesterday:

But no appropriation of money to that use shall be made for a longer term than two years.

The Senator from Iowa and the Senator from Wisconsin said that that was an ample check upon the President. But the history of the debates on this provision of the Constitution will show this state of affairs, and show this as the motive for the adoption of that part of section 8, Article I. The question before the Convention was whether the President of the United States, following the examples of kings, would not precipitate the country in war. We recall the fact that the power to declare war rests with Congress. That power in almost every other country belongs to the executive branch of the government. The history of Great Britain, the history of France, and the history of other European countries was that the Executive would precipitate the country in war at his own volition, and the Parliament was compelled to come forward and furnish the army with necessary supplies and munitions of war. So the war-making power was taken away from the President by the Constitution of the United States, and taken away for that express purpose, as the debates show.

Then it was said, “The President, having large powers, may be able to overawe or to influence Congress to make large appropriations and continuing appropriations for the support of the Army for a war running over a period of years, and therefore a check should be put upon Congress. We should check Congress, we should limit its powers, so that the President may not overawe or may not influence the Congress of the United States to the detriment of the people.” Therefore they inserted the provision that no appropriation should last to exceed two years, and it was a check upon Congress, and incidentally a check upon the President of the United States, to make and continue a useless war. The debates unfold this whole thing.

Mr. President, if it be true that giving the President of the United States this flexible power, as I think it is called, is a practical abandonment by Congress of the discharge of a duty imposed upon Congress alone, and a delegation of that power to the Executive, then it is in violation of the Constitution, and the bill is in violation of the Constitution, openly and notoriously so, and it ought not to be adopted. I submit that there is no precedent in the history of this country to warrant the passage of a bill like this, with that large discretionary power in the President of the United States. I speak in the most respectful terms of the Chief Executive of this nation. I have no words of fault to find with his patriotism. I do not question it. I do not question his integrity. I disagree with him in his policies, but there is no man upon the face of this earth who could be President, if he were my father or my brother, upon whom I would confer this large discretionary and unconstitutional power. It is not against the man. It is against the precedent and the abandonment of this power that I complain.

Now, who is to determine the exigency? Who is to determine when the Army shall be increased from the minimum to the maximum? The President, of course. But who is to determine the exigency or the reason for that increase? The President of the United States. Suppose the President of the United States declares officially, as he must, that an exigency exists in the country and that we are confronted by conditions that require an increase of the Army from the minimum to the maximum, is not that a practical abandonment and abdication of the power of Congress to declare war? “Congress shall have power to declare war,” says the Constitution. The old Articles of Confederation and the Declaration of Independence said that the Congress should have power to declare war and conclude peace; and the same rule exists here to-day by virtue of our power to ratify treaties. There can be no conclusion of peace until the Senate of the United States ratifies the treaty of peace. So, if the President of the United States is to determine the particular exigency which he thinks is sufficient to increase the Army from the minimum to the maximum, it is not only an abdication upon our part of the power to raise and support armies, but it is an abdication by us of our power to declare war.

I care not how much the President of the United States wants



to precipitate this country into war. He is as impotent and powerless as is one of these little pages unless the Congress of the United States shall give its consent in the form of a resolution, or in some authoritative form, to the declaration of war.

How is the Army to be used? Here it is openly confessed that we are to send the Army 7,000 miles from our shores to conduct a war against the Asiatics. I call the attention of the Senate to the fact that in all the debates that preceded and that took place at the time of the framing of the Constitution of the United States—they run, as you well know, Mr. President, over several dozens of volumes—there is not one word that can be found where it was discussed or contemplated that the Army of the United States should leave our borders on a war of invasion. The whole object was to suppress insurrection and to repel invasion.

I freely admit, of course, that in the conduct of a defensive war it may be sometimes necessary to pass the line of the United States and invade the enemy's country. That is perfectly proper. But it does not relieve the situation from the fact that the war is a defensive war in its origin and in its nature; and the whole discussion, from the formation of the great Continental Congress in 1774 down to the formation of the Constitution and its complete adoption by the Conventions of the several colonies, and its final ratification by the Continental Congress, fails to show that the question of using the Army of the United States beyond our borders in an aggressive war upon the part of the United States was discussed.

It may be said that the Mexican war is a precedent for it, but that is not true. The Mexican war, if it can be justified at all, is justifiable upon the supposition that it was a defensive war, and in execution of the strategy of that war it became necessary to invade Mexico. But it remains clear all the while that the war itself, in its inception and in its purpose, was for the preservation of American territory and not the conquest of Mexico. So we are without a precedent in the history of our country for the invasion of the Philippines.

The affair in China is hardly worthy notice. We had there a state of war *de facto* and peace *de jure*. It is to be hoped that the matter is practically at an end; that our Government will protect the citizens of the United States who are there, bring them out of that territory if it is dangerous, exact heavy penalties of the Chinese Government for the loss of life and property—make them ample—exact an apology to the world for the barbarity and hostility to our people that have been going on there, and then sever our relations with China forever.

It may be said, so far as our attitude with respect to the Philippines is concerned, that we have got into this thing too far; that we can not back out. No man ever did anything wrong and got so far into it that he could not do the right thing. The time is always open to him if he is wrong to say so and to act upon that supposition. The rule that applies to individuals applies to nations. Let us give those people their freedom, as I am satisfied the President of the United States, when we ratified the treaty of peace of Paris, intended, and as it was whispered in this Chamber at the time that he intended, and many of us so understood it. Let us permit them to set up a government of their own, give them a protectorate if necessary, stand by them, and keep the hands of Europe off of them until they are able to conduct their own affairs. Let them pay back the \$20,000,000 we have paid for the islands, and then let us take our soldiers and our Navy and go away from them forever, retaining such commercial treaties with them as may be necessary and proper and advantageous to our people.

The right of petition has been denied here, and especially the Senator in charge of this bill has repeatedly denounced those who received petitions from the Philippines. If they are citizens, if that territory is a part and parcel of the United States, they have a right to petition the Congress under the first article of amendment to the Constitution, which I will read:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

That is a part of the Bill of Rights. The Constitution of the United States never would have been adopted if it had not been for the action of the constitutional convention in Massachusetts, which proposed the first ten amendments as a bill of rights and a pledge upon the part of the different conventions that those amendments would be adopted shortly after the adoption of the Constitution; and they were adopted the next year. There the right of petition is recognized. It is one of the things that was embraced in the Great Charter. The English people fought for the right of petition. At Runnymede the great charter was wrested from King John and the right established, in the form of a written constitution or a written declaration known as Magna Charta, to petition Parliament. That right was denied to our ancestors here. It was one of the things that provoked the Revolutionary war and entered very largely into that war. It was held

so sacred by the colonists that they insisted that it become part and parcel of the fundamental law of the United States, and it is embraced in the very first article of amendment—the very first provision of the Bill of Rights.

Yet when a petition comes here, as one has been presented within the last four or five days, petitioning the Congress of the United States in respectful language and in proper language, from people not bearing arms against the Government of the United States, from people pursuing the peaceful vocations of life, asking them for a redress of grievances, or what they consider grievances, the distinguished Senator from Connecticut, the chairman of the Committee on Military Affairs, calls it treason.

Mr. HAWLEY. I do not understand what it is said that I called treason. Will the Senator kindly repeat it?

Mr. ALLEN. I do not say that the Senator ever committed treason. I do not think he is capable of it.

Mr. HAWLEY. What did I call treason? I should really like to know.

Mr. ALLEN. The presenting of a petition from the Filipinos. Mr. HAWLEY. I said the document was treasonable.

Mr. ALLEN. And the Senator characterized the whole thing as treason. But I excuse the Senator. I do not think he was fully responsible.

Mr. HAWLEY. Why was I not responsible for it?

Mr. ALLEN. Simply because the Senator did not understand the character of the petition and had not read it.

Mr. HAWLEY. I have read it all through now, and I think worse of it than before I read a word of it.

Mr. ALLEN. Probably that is true. I took it that the Senator from Connecticut had not read it and that he had not observed the respectful language in which the petition was couched. I give him credit for having too good sense to characterize it as treasonable or to characterize any person who presented it, the Senator from Colorado—

Mr. HAWLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HAWLEY. Will the Senator yield to me for one single moment?

Mr. ALLEN. Certainly.

Mr. HAWLEY. It is represented to us in very flattering terms as a petition written and presented by educated people and all that, and they begin their humble petition by saying, "We demand."

Mr. ALLEN. That is right. Our ancestors demanded of the British Crown. If the Filipinos are citizens of the United States, they have a right to demand. The Senator from Tennessee [Mr. BATE] says to me that the first petition ever sent from this country was a demand upon Great Britain. Of course it was. We were always demanding our rights as British subjects, bringing to this country with us the common law that our ancestors enjoyed in Great Britain, which was denied to us, and we demanded the enforcement and the recognition of those rights.

Yet the Senator from Connecticut would deny to those people in peaceful life, when addressing us in peaceable and mild and elegant language, the recognition of their rights as citizens of the United States. Perhaps I dignify the incident too much, but this flippancy in the use of the words "traitor" and "treason" is getting to be a stench in the nostrils of some of us. The words are used altogether too frequently.

Mr. President, I am against this bill for another reason. I am against it because it cuts out the volunteer soldier. Every discrimination against the volunteer is made in this bill that possibly can be made. We are told that the man who comes from Westpoint is the only man who knows anything about military life or is capable of discharging its duties. If I did not have to speak the names of the dead, which I will not do, I could name three of the most conspicuous failures as commanders during the civil war in all its history who were Westpoint graduates, who began with the beginning of the war and ended with its ending, and never won a battle in their lives.

I do not say all Westpoint graduates are so. I do not want to be misunderstood. Some of the most conspicuous examples of success were Westpointers—Lee and Johnston on the Confederate side, and others; Thomas and Grant and Sherman and Sheridan and others upon our side. But you can not make a soldier simply by putting a boy in Westpoint and giving him an education there. He must have the martial spirit. He must have the aptitude for his occupation. I care not how capable he may be of absorbing learning, such as he will get there, if the spirit of the soldier is not born in him, he will be a failure.

I do not know so much about the Confederate soldiers, but take our conspicuous examples of success upon the field of battle among the volunteer soldiers. I will take my distinguished friend the Senator from Connecticut [Mr. HAWLEY], the chairman of the Committee on Military Affairs, who, as I understand, never had a military education in the sense of the Government giving him a military education. Take my other distinguished friend the



senior Senator from New Jersey [Mr. SEWELL], his associate on that committee. Take the instance of the late Senator from Illinois, Mr. Logan. Take the case of the present Lieutenant-General of the Army of the United States, and where in all the history of the United States or any other government can you find more conspicuous successes as commanders in the field than those gentlemen?

Mr. HAWLEY. Mr. President, I am almost ashamed to do it, but I want to say five or six words, if the Senator will kindly allow me.

Mr. ALLEN. Certainly; I yield to the Senator.

Mr. HAWLEY. Last year sixty-four or sixty-five enlisted men were put into the Regular Army and fifty-two Westpointers.

Mr. ALLEN. I presume that is about the proportion. The late war between Spain and the United States, which was not of very great duration, which was not a very great war in many respects, but quite important, of course, in others, produced conspicuous examples. Perhaps I may be pardoned for mentioning the brilliant soldier from the State of Kansas, General Funston, who rendered conspicuous services to the Government. The world recognizes him as a soldier. Yet he is not a Westpointer. This bill, Mr. President, would make it impossible for Funston to be a second lieutenant in the Army of the United States. He could not even be a second lieutenant if he were to come into the Army under the provisions of the bill. So I might stand here and mention name after name, almost if not equally as conspicuous as that of Funston, of men who would be shut out, and it would be impossible for them to enter the Army, even at the lowest grade of a commissioned officer, if this bill is to pass and become our law. For that reason, Mr. President, I am against it.

I believe in the volunteer soldier. I believe in having a Military Academy where young men can be educated and where we can have a nucleus for an Army; and I believe in an academy where young men can be educated in the naval service; but as a last resort, the history of the world proves that you have got to depend upon the volunteer soldier in time of battle. It was so during the recent war. Now, you take one of these sucklings almost, these weaklings that can absorb a species of education at Westpoint as a sponge can absorb water, and you make that man a commander over all these other men.

How was it in the beginning of the Philippine war? There were volunteer soldiers and regular soldiers there. I recall the time very well when the volunteer regiment from my own State was taken in preference to the regular soldiers because the regulars could not be trusted in action, and the first eight or ten battles that were fought when the war broke out against the Filipinos were fought by the First Nebraska, and its gallant colonel, Stotsenburg, was shot through the heart in leading a charge. Does any man say that soldiers could perform greater duties than those men? And yet every one of their officers, splendid, gallant gentlemen, is excluded under the provisions of this bill even from the rank of second lieutenant.

Mr. SPOONER. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. SPOONER. Does the Senator really mean to be understood as saying that at any time during the Spanish-American war the regular regiments of the United States could not be trusted in battle?

Mr. ALLEN. I mean to say that the press dispatches were that the regiment of regulars sent over there were not permitted to go into action because they preferred the volunteers who had seen service there.

Mr. SPOONER. Was that—

Mr. ALLEN. Now, that is all there is to it.

Mr. SPOONER. Was that because the regulars—

Mr. ALLEN. There is no implication in it whatever.

Mr. SPOONER. Was it because the Regular Army could not be trusted?

Mr. ALLEN. It was because the regular regiment was a green regiment.

Mr. SPOONER. Were not the volunteers pretty green, too, most of them?

Mr. ALLEN. They had seen more service than that regular regiment. I state what the press dispatches show. I have it, not here, but I have it at my home well preserved. I am not decrying the Regular Army, but I do lay this down, and I think the Senator from Wisconsin will agree with me: You can not make a silk purse out of a pig's ear.

Mr. SPOONER. I agree to that.

Mr. ALLEN. You can not make a soldier unless there is implanted in him the principles and the spirit and the courage of the soldier. You can polish him, you can finish him, but you can not take every little weakling that can pass an examination such as may be prescribed by this bill for the favorites of certain Regular Army officers and make a soldier out of him. You may stand him up to be shot at, but he can never become a great commander and never can be a safe man in action.

So, Mr. President, with all due deference to the Regular Army and the great men it has produced, and the great men it will produce, no doubt, I want it to be understood that so far as I am concerned, I pin my faith to the volunteer soldier in time of action. Where was there ever greater fighting upon the face of the earth than during our own civil war, and by volunteers, too, in almost every instance? All the great battles—the battle of the Wilderness, the battle of Chickamanga, and Shiloh, and dozens of others that I could mention—were fought by volunteer soldiers.

Yet we are loading this institution up and loading the Government up with hundreds and hundreds of these fellows, who are being educated at the Government expense, taking them as mere sucklings almost, some of them in knickerbockers, and putting them into Westpoint to be educated, clothed, paid from the time they go there, paid during their services, retired at half pay, and kept by the Government until the grave closes the scene.

I am opposed to it, Mr. President, because I am opposed to a retired list, too. When a boy is taken by the Government of the United States and educated and clothed and paid, when he chooses this profession, one of his own choice, and is kept in the service for thirty or forty years, I know of no reason why, when he retires from that service, the Government of the United States should continue to pay him until he dies. He takes his chances in life as I take mine. The Government did not educate my distinguished friend from Wisconsin. He educated himself, clothed himself, and made his way in life, and his way has been a very successful one. Why should the Government pay a regular soldier retired pay any more than it should give my friend or any other gentleman who has retired from business life the means with which to live after his days of activity are over? A man who enters the service of the Government under these circumstances should be retired to make his fortune, if he is going to make one then. He should save his means as others save theirs. He should take his chances. He could save thousands and thousands of dollars, if he saw fit to do so, in the course of a lifetime. That would permit him to live comfortably to the close of his days. There is no reason why he should not do it.

And yet we are piling up the list of dependents upon this Government, thousands and ten thousands of them, and this bill provides for more, and all the money that supports them must come out of the bowed backs and the stiff joints of the labor of this country. The man who works for a dollar a day, and supports a wife and four or five children, has got to pay his part to the sustaining of the retired aristocracy of the Army.

Yet, Mr. President, I realize that the sentiment around here is so thick that you can almost cut it with a knife; all are in favor of pandering to the Regular Army and to the Westpoint cadet.

Here, Mr. President, I want to speak of another thing. Look at the condition existing at Westpoint. Here we say every day that we have got the greatest Government in the world, and we are the greatest people. We are a great people to congratulate ourselves upon our Government. We have the best country in the world, I have no doubt. We have a mighty nation, rich not only materially, but rich in intellectuality and rich in morality, a nation the destiny of which no man can foresee if we conduct it properly. And yet, in this nation, at the chief military school, we find brutality of character that ought not to be found among barbarians. Look at the investigation which has been going on, a portion of which, I understand, has been suppressed also. Look at the thing called "hazing." Why, the prize fighter is a gentleman, the bull baiter is a gentleman, the bear baiter is a gentleman as compared with the young ruffian and brutal fellow at Westpoint who will engage in a practice of that kind. A life has been lost recently. A young man from the country, thousands of miles from Westpoint, leaving his home for the first time, a boy of 15, 16, or 17 years of age, who has been the pride of his parents, who has been the pride of his school, is naturally a little abashed when he goes that distance from home and enters into a great military school like this. The first thing he must meet with is a brutal assault and brutal indignity upon the part of those who have been there before him. Those things are—I will not say encouraged—but they take place with the knowledge of the officers of that institution, and that I am prepared personally to prove.

Mr. President, I know of a young man who went there from my own State well qualified to enter that or any other institution, a splendid man physically, mentally, and morally, highly educated, yet those ruffians got hold of him and they so annoyed him that he dropped a point in his examination and had to go out, and he has been reappointed. Compelled to eat soap, compelled to get down like a frog and jump, and all the indignities and all the brutalities, some of which I would not dare to repeat in this presence, were heaped upon him as they were heaped upon the young gentleman who lost his life.

Yet that takes place, Mr. President, in the chief military school of the United States, where we are educating the distinguished leaders of our Army in the future. Some officer says it can not be prevented. Well, if you will just give one of the old volunteer



generals, who is determined to do his duty, authority over that institution for six weeks, you will see that he will stop it, or there will be some dead boys there if the practice is not stopped.

Mr. President, there has never anything happened in the United States that is more brutal and more inexcusable than that, and yet what efforts are being made to suppress it? Do you tell me that it can not be suppressed? I know it can be suppressed, and so do you, and so does every man in this Chamber, and it can be suppressed effectually. The Senator from Wisconsin gives assent to that, thank God, and it should be suppressed. The boy or man who, in consequence of the superiority of his physical strength, will use that strength unprovoked upon a weaker man is a coward, I care not where he comes from or who he may be, and the fact that he is a coward, and an arrant coward, is simply the reason why he uses his superior strength upon the weaker one.

Yet this bill encourages Westpoint. Westpoint is to be held up as the perfection of a military school, and thousands and hundreds of thousands of dollars are to be appropriated to continue that institution in existence. Mr. President, I would stop that brutality. I would dismantle the school if I could not do it otherwise, and I would turn over to the States the education of the different young gentlemen from those respective States in military matters from whose list the Government should select those officers they desire to employ.

I do not expect, Mr. President, the millennium to come very soon. I have not been looking for it, and it probably will not come as soon as some anticipate, but each step should be upward, not downward. This Government should be just to all its citizens, irrespective of class.

Mr. President, bravery is not a matter of education. God makes brave men. Bravery is a matter of the blood. It is born in men as cowardice is born in others. Simply because a boy can pass a certain prescribed examination or go through a prescribed curriculum it does not follow that when that boy grows to manhood, because he knows how to drill a company or a battalion or a regiment or a brigade therefore he is a soldier. You can not make a soldier out of brass buttons and blue clothing. You must have a man inside of them, and a courageous and intelligent man, before you can have a soldier.

Therefore, Mr. President, because I believe in the volunteer soldier; because I believe the framers of the Constitution and the fathers of the Republic depended upon and recommended us to depend upon the militia of the respective States and upon the volunteer soldier, I pin my faith to the volunteer soldier, and I would reduce the number of cadets in that institution away below the number there now and not increase them by the provisions of this bill.

Let me make one more observation, Mr. President, disconnected as it may be. I have information in my possession which leads me to believe that hazing in Westpoint is done for the purpose of forcing out of the institution young men appointed from civil life and making room for the sons of Regular Army officers. It is not two years ago that a young captain in the Regular Army told me—I will not call his name—that he thought the time had come in the history of the United States when the Army should be hereditary. I said, "What do you mean by that, sir?" "Well, I mean that my father was an officer and I am an officer, and I think by virtue of that fact my son should be an officer in the Army, and it should pass down from father to son, or down in those lines."

This is simply carrying out the spirit of what that young captain said to me. Here comes a boy from the farm. He is to be squeezed out; he is to be hazed; he is to be driven out; he is to be forced out, and if they can not force him out, as they failed to force out one young man from Texas—I think he forced one of their number out, if I recollect it rightly, and it is too bad there are not more of that kind there—if they can not force him out by intimidation, by humiliation, they prescribe a course of examination, which is within their own hands, that they know he can not stand and that they themselves could not pass. Then they force him out upon his examination and they create a vacancy, and that vacancy is filled by the son of some favorite Regular Army officer, and by that means the Regular Army of the United States is becoming hereditary.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. ALLEN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I am listening with great interest to the remarks of the Senator from Nebraska, and I am delighted to have him characterize this brutality at Westpoint as it deserves to be characterized; but I think, Mr. President, the Senator is not very accurate when he says that the hazing there is upon students who are not the sons of Army officers. I have read the testimony that has been taken both before the Congressional committee and the other committee, and I notice that young Grant and young Sheridan were hazed quite as severely as any of the boys whose names have been mentioned in connection with that matter.

Mr. ALLEN. Mr. President, I did not say there was no hazing upon other boys; but the hazing is not such as to drive them out.

Mr. GALLINGER. Then, again, the Senator's concluding remark that a young man is driven out when he fails in his studies and an Army officer's son is appointed, it seems to me, is not very accurate, for the reason that if a Congressman has appointed a boy who is dropped out the Congressman is asked to fill the vacancy; the President does not fill it.

Mr. ALLEN. There is in Westpoint to-day, unless he has graduated, a young man appointed from the district in which I live, in the State of Nebraska, who was born in this city and who has never, or who had never up to that time, been as far west as the Missouri River.

Mr. MONEY. Upon whose appointment?

Mr. ALLEN. It was a vacancy; so it was called.

Mr. MONEY. Who appointed him?

Mr. ALLEN. He was appointed by the President of the United States.

Mr. GALLINGER. Then the Congressman must have waived his rights—

Mr. ALLEN. The Congressman never received any notice.

Mr. GALLINGER. To name a cadet.

Mr. ALLEN. He never was notified to name a cadet.

Mr. MONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. ALLEN. I do.

Mr. MONEY. Of course I know the Senator does not want to go on record as making an incorrect statement, but I believe that when the Representative appoints a cadet in his district and the cadet fails, after a certain time the right then goes to the Secretary of War, or to the President, perhaps, to appoint, and he has been taking the liberty heretofore of appointing from any place, without regard to the district. I know that was the case in the Navy Department, because when I was a member of the House and a member of the Naval Committee I introduced, reported, and had passed a bill, which became a law, which required in such a case that the Secretary should go to the district from which the failure to appoint occurred. But I do not believe that law has ever been extended to the War Department.

Mr. ALLEN. Mr. President, I offered an amendment myself, and it passed and became a part of the Army bill, as my friend from Tennessee [Mr. BATE] will remember, to cover identically those cases, wherein it was provided that any such vacancy should be filled by an appointee who was an actual bona fide resident for not less than two years of the district entitled to that appointment. It passed, but whether it has ever been enforced I do not know. I am not making any inaccurate statement, Mr. President, when I say that this young man never lived in my district, never had been West, and I do not think he has ever been west of the Missouri River yet.

Mr. MONEY. Of course I did not question the accuracy of the Senator's statement as to that case. I only referred to the power of the President.

Mr. ALLEN. I only referred to it for the purpose of proving, as one item of proof, that the whole policy of the Westpoint school is to squeeze out the bright son of the poor man and the common man, and to turn over these appointments to the sons of Regular Army officers, many of them as worthless as worthless can be.

Now, Mr. President, I do not want to say bitter things. I am not as bitter as I sometimes appear to be. I want to see the affairs of this country conducted in a proper spirit. I want to see the Regular Army of the United States reduced. There is not the slightest reason why it should be over 25,000 men to-day, as it was at the beginning of the Spanish-American war. I want to cultivate the arts of peace rather than those of war.

Mr. CAFFERY. Mr. President, if the Senator will allow me, I desire to ask him whether this process of squeezing out is manifested in hazing. The Senator stated, or substantially stated, that the hazing process was resorted to for the purpose of squeezing out the farmer boy or the boy from civil life to permit the entrance of a favored class of officers' sons.

I have never read the testimony taken before the committee, but what I saw in the press was that the hazing was universal; that all the cadets on entrance were subject to hazing; and it was only toward those who did not submit to the hazing that there was any brutality exercised in the way of fighting. If that be so, then the Senator, I think, ought to correct his statement that the process of hazing is resorted to for the purpose of excluding boys from civil life or whose fathers are from civil life, and admitting the sons of officers of the Regular Army.

Mr. ALLEN. With all due deference to my distinguished friend from Louisiana, for whom I have the highest personal consideration and whom I esteem very highly as a personal friend, I must draw the line at the Senator directing me to correct my statements. I am responsible for my statements, and I make them upon what



I know and what I have reason to believe and with a reasonable degree of accuracy. If I do not I shall have to suffer for making an inaccurate statement.

I am not referring to the recent outbreak of hazing particularly. I do not care anything about that. It is simply an incident.

Mr. MONEY. Will the Senator allow me a minute?

Mr. ALLEN. Certainly.

Mr. MONEY. I can say to the Senator from Louisiana that I have information that the hazing is by no means limited to those who resist, nor is the brutality of hazing limited to those who resist, but to those who do not resist. Young men who have gone there with the idea that they have got to fall into the prevailing sentiment and spirit of the corps have been hazed to within an inch of their lives and in the most brutal and cowardly manner possible, men who told their comrades, "You can haze me as much as you please, so you do not kill me," and they have been hazed to a degree that I think would have justified the hazing in killing every solitary one of the hazers.

Mr. ALLEN. I think that ought to be done, too.

Mr. MONEY. I think so, and I think if I were a boy at Westpoint and anybody hazed me, I would kill him if it was a hundred years after.

Mr. CAFFERY. Mr. President, I do not desire to be understood as advocating hazing. I simply wanted to draw the attention of my friend from Nebraska to what I had seen of the evidence as reported in the press.

Mr. ALLEN. I am not referring to this particular outbreak.

Mr. CAFFERY. I will say in reply to the suggestion of the Senator from Mississippi, that I stated that hazing was universal, and that it was only so far as the brutality of fighting went that those who resisted hazing were submitted to that ordeal.

Mr. ALLEN. Anybody would rather stand up to be knocked down a dozen times than to be put into the humiliating attitude of the youth who is forced upon his hands and knees to jump around, or of a man who is compelled to stand, with his head leaning against a wall for an hour or two without any support, at the beck and call of one of those young rascals. A man would rather be shot than to do that.

Mr. CAFFERY. I hope the Senator does not draw the conclusion from what I have stated that I condone hazing at all.

Mr. ALLEN. No; I do not.

Mr. CAFFERY. I have only stated the facts as they appear from the press reports of the testimony, and from those facts I do not discover that there is any discrimination made as to hazing in favor of the sons of Army officers as against other boys who go to Westpoint.

Mr. ALLEN. There are degrees in hazing, as well as in everything else. It is very easy to say that a certain boy was hazed and "put through some little course of sprouts," not interfering with his dignity or manhood, or causing him any humiliation, or anything of that kind, and to say, "Yes, he has been hazed." But another boy goes there whom they want to get rid of, and they carry hazing to the extent almost of taking life, and in a recent instance they have taken life, and the Senator from Mississippi [Mr. MONEY] says in more instances than one they have taken life.

Mr. President, when you rob a man of his spirit and his manhood that is all there is to him. It is the spirit of the man, the courage of the man, that constitutes the manhood of the individual. There is not a single Senator in this Chamber who would not rather lay down his life than to be humiliated unnecessarily and purposely. If you should take one of these gentlemen here, and say to him, "You must get on your hands and knees and jump around here like a frog," he would rather die, and he would die, in preference to doing it. That is especially true of the young man who is just entering life, and who has not the reflection and the experience, and, perhaps, I might say, to use a familiar term of the other side in this body, the conservatism to look upon it differently.

I am not speaking of this recent outbreak particularly when I state that the whole policy of that institution for twenty-five years or more has been to crowd out the son of the common man and give that place to the son of the Regular Army officer or to some favorite. The whole trend of that institution has been that way. I want to say to you gentlemen upon the other side that your bill encourages that thing to-day. You lend encouragement to it. I know it is the easiest thing in the world for gentlemen to deny that.

This is a great country; it is over 3,000 miles across from east to west. It is a wonderful country in magnitude, and in population as well, and it is difficult to get these things out among the people; and yet, Mr. President, it is well known, I think, in the more intelligent circles throughout this country that the whole policy of this Westpoint school is to make it exclusive to the Army, to sons and favorites of the officers of the Regular Army, and to exclude from it, I care not who he may be or what his merits may be, the son of the common man, the poor man; and, God bless him, it is upon him and upon his kind that you must

rely to preserve the life of the nation in case this country becomes involved in great wars.

Even, Mr. President, when the common soldier comes, as he does here to-day, with a bill upon our Calendar, crippled and worn through years of service to his country, or when his wife or his child comes to this Congress for some small relief, they get a pittance of eight or twelve dollars a month, and that grudgingly, at the hands of Congress, while these pampered and favorite sons, many of them cowards, many of them arrant cowards, brutal in the extreme, are the favored recipients of the provisions of this and other bills.

When interrupted by the Senator from Louisiana [Mr. CAFFERY] I was about to say that I trusted the time would come—I do not know whether it will ever come or not—when the Congress of the United States, representing 76,000,000 people, with all their wealth and energies, holding in its hands the destinies of this nation now and for the future, shall begin the cultivation of the arts of peace as well as those of war. Let us push our commerce, our agriculture, our education; let us ramify all the avenues of intelligence and wealth; let us whiten the oceans of the world with our sails of commerce; but let us do it, Mr. President, under the flag of peace, not under the flag of piracy, not under the flag of force, and not under that flag which would subject weak and alien people by force to our domination.

Let us have a Regular Army large enough to form the nucleus for a great army in case of war, to be called from the fields and the shops, in the different avenues of industry, and in the different vocations of the country—young men and old men—that our flag may be maintained upon the land as it should be upon the sea. The great battles of this country, Senators, must be fought upon the sea. We should increase our Navy. I heartily give my vote to the increase of the Navy. We have over 10,500 miles of coast shore to defend. It will take a powerful navy to defend it, and our Navy must be the equal of the most powerful navy that floats the ocean. Let us devote our money—if we have money to spare—to that purpose. Let us make perfect our coast defenses, creating a navy amply competent to meet in successful battle the navies of the world. But, Mr. President, here in our own continent and among ourselves let us have a small Army that will be sufficient to form a nucleus, as I have said, for a great army in case of emergency.

Mr. McCUMBER. Mr. President, I will occupy but a very few moments in the discussion of this matter, devoting my remarks especially to the discussion of the constitutional question which has been raised. It seems to me that that is the first subject to which we should direct our attention.

Attention has been called to the clause in our Constitution which provides that—

The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

It is contended by reason of that provision in this bill which allows the President to determine between two fixed numbers what shall be necessary to put down the present controversy or to determine the number that the exigencies of the occasion will require that it is unconstitutional. I believe that to be the proposition. It is contended that it is unconstitutional simply because it is a delegation of the authority of Congress to the President to raise an army. I myself can not give it that construction. I do not concede that we delegate any authority to anyone when we provide the instrumentalities by which the law which raises the army is to be carried into effect.

Mr. President, it will not be contended that the words "to raise," as contained in this section, mean anything further than to provide the law under which the army is to be raised. If we concede that that is true, then we must equally concede that it is true that we raise the army when we provide the law under which it is to be raised, and the recruiting officer or the clerk in the Department who acts under this law is not the individual who is raising the army.

I think it will be conceded that we as a Congress have a right to provide in case of some insurrection that the President shall have authority to call into service an army of a certain size, and that he may have in the interim between the last day of the session of one Congress and the beginning of another the authority to discharge a certain portion of that army. If we have a right to say to the President, "If it is found that it is not necessary to use more than 50,000, then you are not to call into the Army and recruit more than 50,000," we can equally say, "You have the right to call more than 50,000 if the exigencies of the occasion demand that greater number."

It seems to me, Mr. President, that we are delegating no authority, but we are determining the number that may be used or may be called by the President under certain conditions, and if we say to the President in this instance, "If, during the next year, we need not more than 50,000 or 54,000 soldiers, you have the right to call into service that number. If, on the other hand,



we need a greater number than this, we authorize you to send out your recruiting officers and bring into the Army a certain number, but in no case greater than 100,000 men," I can not conceive that to be a delegation of authority.

Mr. CAFFERY. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from North Dakota yield to the Senator from Louisiana?

Mr. McCUMBER. Certainly.

Mr. CAFFERY. The Senator says if we raise an army for a certain contingency, for which we provide, then we are exercising our discretion; but when we raise an army for a contingency for which the President provides, who is raising the army—the President or Congress?

Mr. McCUMBER. To answer that question, Mr. President, we will have to go back to this question: Under what authority is the Army raised? Is it raised under the dictation of the President or under the law of Congress? If it is raised under the law of Congress through the channel that is provided in the bill, then it is the exercise of the authority of Congress to raise that army. Let us suppose that Congress has seen fit to provide that an army of 100,000 men, to be used by the President under a certain contingency, believing that it will possibly require that number of men for the service of the Government; now, let us suppose that we also provide in the bill that the President may, if this contingency is dissipated, or if the insurgents are put down—if that is the question—that the President may reduce the Army and may discharge the Army, are we providing for that discharge, or is it the President who fixes the size of the Army? If we have a right to say to the President, "You may make the Army less than it is now, down to a certain number, when the exigencies of the case require it," have we not equal authority to say to the President, "You have a right to recruit up to a certain number which we provide by law?"

Mr. CAFFERY. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Louisiana?

Mr. McCUMBER. Certainly.

Mr. CAFFERY. I think the Senator, in the answer he made to my question, mentioned as illustrative of his argument, the present condition in the Philippines. That involves the very point of my question. If we had said that to put down the insurrection or rebellion in the Philippine Islands, the President of the United States is authorized to swell the Army up to the maximum provided in the bill, that would be a contingency for which we would provide; but we say nothing of that sort in this bill. We say that, in the discretion of the President, if certain exigencies arise, then he can raise the Army to its maximum. We do not provide for any certain contingencies, but we give him discretion for all contingencies. Then I want to ask the Senator whether or not, in his opinion, that constitutes a case of delegated authority to meet a certain condition mentioned?

Mr. McCUMBER. I think I can answer that very briefly. The Senator's proposition leads him to this position: That we may give authority to the President to raise an army for a foreseen contingency, but not for an unforeseen one. If we grant the power in the one case, we certainly must grant it under the Constitution in the other case. The Constitution says nothing about "contingencies." It simply says that "The Congress shall have power to raise and support armies." Now, if we have got the power to say to the President, "If you find only 54,000 soldiers are necessary in the Philippines, you shall raise no more, but if you find that it is necessary to raise the 100,000 that we provide by law, you may increase the Army to 100,000," then we have acted under our constitutional right, which is not dependent upon the question of foreseen or unforeseen contingencies.

Mr. CAFFERY. Will the Senator allow me again?

Mr. McCUMBER. Certainly.

Mr. CAFFERY. The Philippine situation does not imply a contingency in the sense of something unforeseen, but it implies an actual condition known of all men. There is a rebellion in the Philippines. It is not a matter dependent upon any future unforeseen occurrence. We have used the word "contingencies" loosely in this debate; but it is really a certain condition of warfare prevailing between the United States and the Filipinos. It has been impliedly, if not actually, admitted by Senators in arguing this question that the maximum provided for in the bill was to meet the condition of affairs in the Philippines. I think Congress would be very loath to give up its own discretion, even if it were constitutional, to the President of the United States to meet all contingencies, even those which are not foreseen, but which might possibly arise in our complications abroad.

Mr. SPOONER. Is not that rather a question of policy than of power?

Mr. McCUMBER. Certainly.

Mr. CAFFERY. Upon that question there is a great deal to be said both ways. My question does not signify my own belief upon this point. I simply wanted to have it elucidated and to be

enlightened as to how far, in the opinion of the Senator, this contingent power of the President might lead.

Mr. McCUMBER. Mr. President, answering again the Senator from Louisiana, I can only repeat what I have said before—that it is not a question of policy, but a question of constitutional right. The Constitution says nothing about "contingencies." It is a cold legal proposition whether or not in a bill which provides for an army or raises an army you can place within the discretion of the Commander in Chief of the Army the number that he will call into active service under that bill. That is the only question. It is a question of legal right. I claim that the Constitution is in accord with the view of this side of the Senate upon that proposition, and that there is nothing in it which prohibits our leaving to the Commander in Chief the question of the number, as to which we provide both the maximum and the minimum, that shall be requisite.

Let me put this case to the Senator: Let us suppose that we provide for 100,000 and that we also provide in the same bill that in case this insurrection is put down the President may reduce the number, or shall reduce the number, to 50,000 or 25,000, we have delegated authority for the size of the Army just as much in that case as we do delegate it by saying, "If 54,000 is not sufficient the President may call in the full number provided for in the act."

Mr. CAFFERY. Then I understand the Senator's proposition to be that the Congress by passing this act has really raised an army, and in the execution of that law the President can determine whether the larger army raised or the smaller army provided for is the one that is to be formed?

Mr. SPOONER. That is very well put.

Mr. McCUMBER. The Senator is substantially correct, so far as my opinion is concerned.

Mr. HAWLEY. I ask the Senator to yield to me simply for a few words.

Mr. McCUMBER. With pleasure.

Mr. HAWLEY. The President is authorized in case of insurrection or invasion to call in the whole force of the militia of the United States, and they are placed absolutely under his command. Now, when he has called out 25,000 militiamen, say, for an emergency and the emergency seems to fade away, he may dismiss his 25,000 and let them go home, but in case of fluctuation and increased danger he may call out 40,000.

Mr. McCUMBER. Mr. President, having disposed, at least to my own satisfaction, of the constitutional question, I desire to call attention to some remarks which have been made by the Senator from Colorado [Mr. TELLER]. I must say that if the picture the Senator from Colorado has drawn of the conditions that exist in the Philippine Islands and of the conditions which he prophesies will still exist, and the intention of this Government in the future in the matter of governing those islands is true, I could not under any circumstances vote for an army of 100,000 men to carry into effect the prophesies which he has given us concerning those islands and the intention of the Government.

I do not feel that the Senator from Colorado, sincere as he is, earnest as he is in this matter, has given us the exact condition. I can not but feel that he has done some injustice to what he calls the Administration policy with reference to those islands, and as it has a direct bearing upon the question of the number of men we should raise for that purpose, I wish to recall some of the statements which were made by the Senator and place them side by side with the declaration of the President to the same commission which he criticises, so that we may see whether there is just and proper foundation for the claims and for the dire prophesies which he makes concerning the condition that is to exist in the future.

In the first place, Mr. President, I call attention to the remark made by the Senator upon the 4th of January of this year. In speaking on this question he said:

Under the military law they—

The Filipinos—

have a right there undoubtedly, but under God's law, which is higher than that, they have no place there at all.

Mr. TELLER. If the Senator will allow me, I did not say that the Filipinos had no right there, but I said the Philippine Commission had no right there under God's law.

Mr. McCUMBER. The Senator's statement is correct. Then he proceeded:

And so I take back what I said two years ago. Imperialism has come; it is there in its worst form, and what I want to know, like the Senator from Maryland [Mr. WELLINGTON], is, what are you going to do now? Are you going to keep up this imperialistic government? Are you going to continue to govern 12,000,000 people contrary to their wish, without a voice, without being heard, when your chief actor over there, General MacArthur, tells you that the people are a unit against this Administration, when every Filipino in Europe to-day, and there are thousands of them, is against our government over there?

Again, the Senator said:

The question is now, What are we going to do with those people? That is the question. Are we going to deny to them self-government? Are we



going to continue this absolutism? The word "imperialism" is not as broad as absolutism. You might have an imperial government and have some degree of participation and liberty, but you have an absolute government, with five men sitting there, providing legislation, judicial determination, executive acts, with no responsibility to the 12,000,000 people whom they are governing. The President of the United States has said we need not be afraid of imperialism; that it would not come. Mr. President, if it can ever come in a worse shape than it exists now, you have got to increase the ability of the human mind for absolutism.

If the Senator would turn to those kind and patriotic statements made by the President in his message at the beginning of this session of Congress, I think he would find them an absolute answer to those questions. I wish to call attention to them. Speaking now of the same commission referred to by the Senator from Colorado (as I understand that is the commission the President refers to in his communication, and this communication deals with the instructions that were given to that commission), I wish to see whether the instructions to the commission give absolute power as to a government in which the Filipinos have no part whatever and which is simply an autocratic, absolute government. Referring to the Filipino people, in his directions to this commission, he says:

Without hampering them by too specific instructions, they should in general be enjoined, after making themselves familiar with the conditions and needs of the country, to devote their attention in the first instance to the establishment of municipal governments, in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order, and loyalty.

I wish to ask what greater power could be given in the matter of self-government, other than absolute independence, of course, to the islands than is given in those few lines? What could be more just and more generous than the statement of the President, which we believe reflects the feeling of the Administration toward those islands?

Again, I call attention to the statement of the Senator from Colorado:

If it shall be said that it is a temporary government there, I beg of some man to tell me what hope I can have, or what hope any Filipino can have, that it is temporary. It may be that you will enlarge it; it may be that you will put the power in more hands; but it will be absolute power still.

Have the Administration done a thing, have they said anything, that will lead the Filipino to believe that with the cessation of war there will come to him a participation in the government under which he is to live?

I will ask the Senator if those instructions, which are given in a public record, are not a sufficient answer to the charge? I call the Senator's attention also to another section of the message, which answers directly that proposition. The President says:

The many different degrees of civilization and varieties of custom and capacity among the people of the different islands preclude very definite instruction as to the part which the people shall take in the selection of their own officers; but these general rules are to be observed.

Now note them:

That in all cases the municipal officers, who administer the local affairs of the people, are to be selected by the people, and that wherever officers of more extended jurisdiction are to be selected in any way, natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties they are to receive the offices in preference to any others.

It seems to me there is a local self-government as free, and as absolutely free, from any objection that has been urged by the Senator as is the government of Canada or that of any country which is not absolutely independent in itself.

Again, I call the Senator's attention to another statement that I think ought to go side by side with his utterances. The President, in his instructions to the commission, says:

In all the forms of government and administrative provisions which they are authorized to prescribe the commission should bear in mind that the government which they are establishing is designed, not for our satisfaction, or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

Then the President in his message enumerates those many things which are considered necessary to a just and proper government and which are provided in our Constitution and in the Bill of Rights. It seems to me that the criticism offered by the Senator from Colorado is excessive in respect either to the present conditions, the instructions that are given there, or what may be hoped for the future by the present Administration in reference to its dealings with these islands.

Mr. President, just one word upon the general bill before I close. Notwithstanding the care and the great light that has been given to this committee from all of the Departments with reference to the bill under consideration, to me it is not absolutely perfect. From my own standpoint I think there has been too much of that conservatism which has been referred to by the Senator from Nebraska [Mr. ALLEN]. There are two defects, in my opinion. In the first instance, it seems to me that the minimum is larger than will be necessary in times of peace. It appears to me equally that the maximum is not sufficient under the present exigencies of the case.

The question has been discussed here as to what the people by their votes intended that the Congress should do in reference to a standing army. I believe that the vote indicated simply that the American people stood firmly by the Administration; that they believe that it should raise an army sufficient to put down that insurrection; that we are authorized to raise a sufficient army, whether it be a hundred thousand or a quarter of a million of men; and I believe they expect Congress to provide means to put a speedy end to the conditions existing in the Philippine Islands to-day. My own belief is that if we have 71,000 men there in arms now and over 400 posts to be guarded, and only a small portion of the archipelago under our control, a hundred thousand men will not be sufficient speedily to put down the insurrection and to secure peace all over those islands.

Mr. President, I sympathize a great deal with what has been said by Senators in reference to our small standing army, and especially with reference to the volunteer service. My own belief is that we should have no standing army of a greater number than that which is simply necessary to take care of the military property of the United States and to man the several posts in the United States. Let us suppose, therefore, that we have put down this insurrection; that peace is restored in China and in the Philippine Islands, and the question arises, How great an army will be needed in the United States?

I believe that instead of a standing army every encouragement possible should be given by the Government to the State militia, and in those organizations we shall ever have a prospective American Army, and then, with the mere skeleton, the number of officers necessary, say, for an army of a hundred thousand, we can upon a moment's notice bring into the field a quarter of a million partially drilled soldiers at least, who come from the people, who represent the people, who have the feelings of the people, and, above all, who are so associated with the people that they have that patriotism upon which we have always relied in times of great danger. I agree with those Senators who say and believe that the greatest patriotism, as a rule, is to be found in the volunteer soldier. It is natural that it should be so, because he joins the Army only in cases of danger, while the other man joins the Army in time of peace simply for the pay. I would keep up that good relation, that patriotic relation, between the Army and the people by at all times keeping a good strong militia upon which we may draw at any time and in any hour of danger.

Mr. President, I agree entirely with those statements and those criticisms which have been made concerning hazing in our great military school. I can not agree with the Senator from Nebraska [Mr. ALLEN] as to the individual from his own State, who he said was a brave man, and who was compelled to eat soap and do a great many antics that were insulting to him. I can not believe that a brave man would do that. But the worst feature, it seems to me, that comes from the hazing is that it creates the worst character of brutality and the worst character of cowardice. I know of nothing that will more tend to make a man a coward, morally and physically, than to call upon some great bully to administer chastisement to one whom he knows is unable to cope with him physically; and that seems to be the practice which has been adopted at this great military school. It is the selection of some powerful man among the men of the first class to do physical battle with some weaker man of some other class. I certainly feel that Congress should take some active steps, and that any bully whatever guilty of attempting to chastise one who is physically unable to meet him, and whom he knows is unable to meet him, is such a coward that he should be discharged from the service. We do not want that character of men in our Army.

Mr. President, I confess that I do not see in this bill a continual standing army of a hundred thousand men. I can not see anything in it to prevent the President of the United States from making it less whenever it is proper that it should be done. Upon the other hand, it seems to me that if it should be thought by the Commander in Chief in the month of June of this year that sixty or seventy thousand men are necessary in the Philippines and he should find in the month of September that he needed forty or thirty thousand more he ought to have the authority vested in him during that time to increase the Army up to the maximum limit.

I do not understand that there is anything further than that contemplated in this bill. We do not surrender our authority. We meet here again on the first Monday of next December. We can modify this bill. We can create an army greater or less at that time, according to our own views. Of course, we must provide for whatever the President selects during the interim, and we must provide for whatever we select after that time, but I can see no dire results to follow from giving the President the power to determine, as the exigencies of the case may appear at the time, whether it is necessary to discharge a certain number of companies in our Army or whether it is necessary to increase the size of some of them to the maximum limit. In that faith I shall vote for the pending bill, not because I think it is perfect, but



because I think we ought at least immediately to have a hundred thousand men in the Philippine Islands.

Mr. TELLER. Mr. President, I do not wish to discuss this question at any length. The Senator from North Dakota [Mr. McCUMBER] evidently thinks that I have not read those instructions. I have read them very carefully, and I have seen within a few days in a Manila paper, I do not know what they call it, but I will say a provision for the establishment of a municipal government, created by this commission. All the authority that is given to the people is given them from the commission. The commission are careful to reserve to themselves the right to revise anything the people may do in the election, to set it aside whenever they think it ought to be set aside, whenever they do not think they are doing the fair thing. They appoint the governor and fix his salary, and when they define the governor's authority they say it shall be his duty to issue the proclamations and orders that come to him. That seems to be his principal authority. If anybody thinks a government of that kind is a free government, he is not well instructed in the fundamental principles of a free government.

Mr. President, in Russia every community is a democracy. They elect their own local officers; they manage their own local affairs, subject only to the will of the executive of the nation. He can remove any man at any time; he can repeal any enactment they may make. So can this commission; and if the Senator from North Dakota thinks that is a government of the people, by the people, and for the people, he knows less about it than I believe he does. I believe he knows, and must know, that that is not a free government at all. It is not a government of the people.

Mr. President, what I said about the condition over there I repeat.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. SPOONER. Has the Senator labored under the impression, or does he now, that it is in the power of the President to bring about a government by the people, of the people, and for the people, in the American sense, in a short time among people that never had any hand in government?

Mr. TELLER. I do.

Mr. McCUMBER. May I ask the Senator from Colorado one question?

Mr. TELLER. Yes.

Mr. McCUMBER. I made no claim that there is absolute free government there at this time. The point I desired to make was the intention of the Administration, as indicated in the instructions to the commission, to put into operation the most liberal government that the people are capable of exercising, and as soon as it is possible to put it into operation; and I think this bears it out. I certainly can conceive of no more liberal government, other than absolute independence of any and all governments, than is given in these instructions. If the commission is following out its instructions and is capable of bringing about the conditions there in the matter of self-government for which it was intended, we certainly should have local self-government there at this time.

Mr. TELLER. If the Senator thinks that is a proper government, I shall not contest the matter with him. I think he ought to have been born in Russia and ought to have lived there, for that is not a government of the people, according to my notion; nor is it a free government when some power, not responsible to any living soul in all those islands, can undo everything that they do. Every act of theirs is subject to the will and caprice of five men who do not even speak the language and know nothing about their wants.

Mr. McCUMBER. If I may trouble the Senator with another question, it is this. It seems he misunderstood my proposition. Does the Senator contend that this commission of five is to be the governing power, or intended as such, permanently, or is it simply to put in operation a certain government and then to step out itself? Is not the latter statement correct?

Mr. TELLER. No; it is not.

Mr. McCUMBER. I would agree with the Senator if I believed that the commission of five was intended permanently to govern those islands; but certainly that is not the case.

Mr. TELLER. That is the case. There is not any guaranty in any government that they have established. They have established only one, and, ex industria, they have reserved to themselves absolute power. There is no attempt on their part to say that the people of those islands may govern themselves without their oversight and their dictation. That is not a free government. That is what I complain of. The Senator may say it is temporary. I do not know whether it is or not. I do not know how long it is to last or anything about it, but it is not the way to establish a government. The Senator said these people are incapable of self-government.

Mr. McCUMBER. No, I did not.

Mr. TELLER. If they are not incapable of self-government,

why not allow them to govern themselves now? I have heard here that Cuba is not capable of self-government. I have heard again that these people are not capable of self-government.

Mr. McCUMBER. I have not stated that they are not capable of self-government. Possibly they are not to the extent that we are in this country, and for the same character of government.

Mr. TELLER. Oh, I hope we are not going to insist that they shall establish a government there like unto ours, to all intents and purposes. If you do, they never will.

Mr. McCUMBER. I do not expect them to.

Mr. TELLER. No Asiatics ever did maintain such a government as we do, and no Asiatics can. I have looked over what I suppose may be called the statute, enacted by the junta, the five men over there. I have found the most remarkable provisions in it, which I think indicate the condition of affairs over there. They say, first, that if any man is elected or appointed to an office and he declines to accept he shall serve a term of imprisonment not exceeding three years. In that country there are a lot of people who will not accept from us office, and they have every reason why they should not.

Mr. PETTIGREW. Did they enact a statute to that effect?

Mr. TELLER. I suppose they call it a statute; yes, one of the provisions. I have forgotten the exact wording. I received it only this morning. It came in a Manila paper. That is one of the provisions, anyway, of whatever it is. It may be the charter of the liberties of those people. I do not know that it would be so called by Senators. There is a provision that if a man declines to accept an appointive office or an elective office he may be punished by imprisonment for three years.

Mr. PETTIGREW. Have they not been emitting statutes headed "Be it enacted, etc., by the authority of the President of the United States?"

Mr. TELLER. That is the way they start—"Be it enacted by the authority of the President of the United States." These people are as absolutely severed and cut off from any participation in government, except with the approval of this commission, as the people of the United States are with reference to those islands.

I know about this benevolent assimilation. I know that every tyrant that ever lived has insisted that the subjects over whom he was exerting his tyrannical power would be better off if they would just submit to his power. It has always been so, and it always will be so. No man ever held power who was willing to say that he held it for his own use and benefit. We are holding power over these people now which we should not hold over any people in the world; and your excuse is that we are doing it for their benefit. The Senator from Connecticut [Mr. HAWLEY] told us the other day how much had been done—roads built, and telegraphs built, and all that kind of thing, as if that should satisfy a liberty-loving people.

I want to say a word about the people over there. What was the Spanish relation before we went there? I want to say that we have not improved it in the slightest degree. Spain had 15,000 soldiers there. We have 70,000. Spain held a few places, and we hold 400, and we hold them by force, not by the consent of the people, and where we do not hold them, where we have not any army, there is peace and quiet. In every part of those islands where we have not attempted to exercise this absolute power the people are taking care of themselves. It will not do for anybody to say that those people are not capable of self-government.

The highest tribute that I have ever seen paid to a people—I can not put my hand on it now—was paid to these people before we went there by an Englishman who had been consul to Manila and had lived twenty years in that country. He declared that the people themselves were a law-abiding, Christian people. Of the great number of people there not more than a million can be called heathens. They are Christian people. Seventy-five per cent at least of the people of Luzon can read and write. I do not think that reading and writing are always evidence on the part of a people of ability to govern themselves, but they constitute one of the evidences at least. I know that people have governed themselves when but a small portion of them could read and write. I happen to have here—I did not intend to make any further remarks upon this question—a memorandum I made one day, showing that of the population of Spain 68.1 per cent can neither read nor write. Will anybody deny that Spain is capable of self-government, under some kind of a government?

She tried a republic and failed; that is true. In 1818 there was only 1 person out of 17 attending school in England; in 1833, only 1 in 11, and in 1851, only 1 in 8. There was more ignorance in Great Britain in 1850, among her rural population, than there is to-day among the rural population of these islands—of the two great islands, at least, and one or two of the lesser ones. In 1818 40 per cent of the men in England and 65 per cent of the women could not read or write; and if you go back to the time when they made the greatest contest for liberty that ever was made, there were infinitely less. But here in these islands 75 per cent of them



read and write. Everyone who has been there, except the hirelings who are interested in lying about the condition over there, bears testimony that these people were a law-abiding people. It is true they had contests with Spain, but they had contests with Spain because they wanted a degree of liberty that Spain would not give them.

Now, Mr. President, I do not want to carry on any discussion to the extent of interfering with the very proper desire of the committee to get through with the bill. I shall take occasion on some other day to talk about the condition of the Philippine Islands; but I want to say that I have not said anything like what may be said about it. I have not felt like arraigning the Administration. I know how difficult it is to take the rôle we are taking, which does not belong to us and which is not natural to us and which is difficult for us to carry out, and that is the rôle of a dictator. It does not belong to us; we have not been instructed in it, and we do not know how. We are having some difficulty, and I know it is difficult, and it will continue to be difficult until the Government of the United States shall make up its mind that the people there can take care of themselves and we are willing to turn it over and let them take care of themselves.

Mr. President, there is a very general complaint in the United States about the condition in the Philippine Islands. I am not going to read it, unless some one objects to what I am going to ask, but I have an article here from the New York Times of January 14 which I want to insert in my remarks. That is an Administration paper. It has supported the policy of the Government, but it complains that we do not know what is going on over there; that the Administration keeps us in the dark, and that is true. The public press announce certain things as occurring over there, and if they did occur the Department must know about it, and yet we are unable to get any information from the Department in reference to it. I said to an Army officer: "The public press states that you had received a dispatch up at the War Department saying that they wanted 100,000 men. Is that true?" He said: "I do not know whether it is true or not. I do not know anything about what they are getting up there." If he did know he did not mean to tell me. I think probably he knew and did not care about telling.

Now, Mr. President, I ask that I may put in this article from the New York Times. If any one objects I shall have to read it.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the article indicated by him may be published with his remarks.

Mr. TELLER. I meant to put it in yesterday, but I forgot it. The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The article referred to is as follows:

[From the New York Times, Monday, January 14, 1901.]

#### WHAT ARE WE DOING IN THE PHILIPPINES?

The course of the Administration Senators in the debate on the Army bill seems to us to confirm very strongly the expediency and the necessity of giving the country fuller and more intelligible information as to the situation in the islands than has heretofore been vouchsafed. We have already called attention to this matter, and the general policy of the friends, advisers, and supporters of the Government in the Senate makes it not merely desirable but imperative that more and better light shall be afforded.

In the discussion of the Army bill the Administration Senators have insisted on the need of an army at least as large as the one we now have in the Philippines. When questioned as to the time for which such a force would be needed, they have given but indefinite replies. They have been vaguely cheerful, but entirely unwilling and apparently unable to set a time at which the country could expect a diminution of the force. Nor have they given any clear notion of the elements in the situation which now require force or of what is being done to abate this requirement, or of the policy by which the Government hopes to secure progressive cooperation from a part of the native population in establishing peace and order and prosperity. This obscurity, and even evasiveness, in their utterances is the more to be regretted because the one source from which the Administration led us to expect adequate information has so far failed us. When the Taft civil commission was sent out, the character of its members, the views they expressed, and the instructions they were reported to have received, all justified the confidence of the friends of the Administration that from them we should from time to time be able to learn the exact facts necessary for an intelligent opinion as to the policy of our Government and its working.

Now, the only report from the Taft commission of any significance that has been made public was one on the eve of the election, practically stating that the progress of pacification was satisfactory, and that within sixty days after the hopes of the Filipinos in arms had been dashed by the defeat of Mr. Bryan the insurrection would fall to pieces. Clearly the prediction has not been fulfilled. The only authoritative statement of the situation since that time has been the report of General MacArthur, which admitted that the insurrection had not fallen to pieces and that the use of a large army was made at once necessary and relatively unavailing because of the substantial unity of the natives in support of the insurgents. This report was sent in some three months after the management of affairs in the islands had been nominally turned over to the civil commission.

We submit that the situation is extremely unsatisfactory. It is the right of the American people that they shall know definitely what their Government has tried to do in the Philippines, how far it has really succeeded, and how far it has failed, what are the causes of failure, and what remedy is intended. This right is recognized and urged, not by the opponents or the unreasonable critics of the Government, but by many of its faithful friends and supporters. These feel, and are justified in feeling, that they have not been accorded that candid and respectful treatment to which they are entitled. They are not blind partisans, and they can not be asked to act as if they were. They are not children, and no one has the right to tell them to be good and keep quiet until their teachers get ready to talk with them.

The American people as a whole are sensible and patriotic. They do not ask that their Government shall always be entirely successful. They can and will stand inevitable disappointment or delay with fortitude. But they want to know in reasonable detail about the management of their own business by their own agents. At present they have not that knowledge. The sooner it is given to them the better.

Mr. PETTIGREW. I should like to ask the Senator from Colorado whether he has any information in regard to the number of sick and the necessity for medical attendance, etc., among our army in the island?

Mr. TELLER. I do not know. I have tried to find that out. I know one thing, that there came a very urgent telegram to the War Department from General MacArthur to send a medical force over there. I have what I believe to be very reliable data showing that 10 per cent of our army and more were on the sick list—in fact, that 12 or 14 per cent were on the sick list. At all events, in great haste, and very properly—I am not criticising it—we sent some medical men to take care of them.

I want to say, Mr. President, that we have kept an army there longer than we ought to have done. If it is to be our policy to keep an army in the Philippine Islands, we must make it our policy to change them every year at least. The best authorities upon the question of keeping troops in a tropical country that are not natives of the country is that you can not keep them there more than nine months. So if you must have 70,000 there, you have got to have 70,000 here that you can send over there, and you have got to keep them going across the ocean.

But, Mr. President, I did not intend to go into this question at length. I wanted to say to the Senator from North Dakota [Mr. McCUMBER] that I have not been so inattentive to this great question that I had not considered the President's instruction to the commission. I do not care what the instruction to the commission was, unless the instruction was to give them a government of their own, and that is not in there, it would not be the kind of a government that I think they ought to have.

Yesterday my colleague, who sits close to me and with whom I am desirous of maintaining friendly relations, criticised my statement about the President's message in 1898. I am frequently wrong in my law, and in my logic I am apt to get off, I think, and in some other matters, perhaps; but I make it a principle to try and be accurate on facts. I do not think there is very much excuse for a man to be blundering on facts, especially dates and such things.

I said that when we passed the Army bill providing for 100,000 men there was not any war, and that there really was not any prospect of war. The Senator thought that I was wrong on that point. Now, here is the Army bill that passed the House on the 31st day of January, 1899. It came here and was considered by the Senate in February, 1899. It got here before the war began, as the Senator will see. On the 5th day of February we are told the outbreak occurred. Now, here is the President's message.

Mr. WARREN. The outbreak in the Philippine Islands?

Mr. TELLER. The outbreak in the Philippine Islands. We went to war with Spain in 1898, and this was in February, 1899.

Mr. WARREN. Will the Senator permit an interruption?

Mr. TELLER. Certainly.

Mr. WARREN. There can possibly be no difference between the Senator and myself on the matter of fact. We are bound to be right upon that point. The only difference is he insists that there was a time of profound peace after the war with Spain. My statement yesterday, as the RECORD will show, was that there was no request on the part of the President for 100,000 or any other increase until after we had war with Spain.

Mr. TELLER. That is true.

Mr. WARREN. So there is no difference between the Senator and myself except he claims that there was profound peace at that time, which I do not admit.

Mr. TELLER. We had closed the war with Spain. There was no contest going on with Spain. The commission that we sent to Europe had agreed to the treaty. The treaty was on its way over here, I suppose, about that date. It did not get here until after that time.

Now, on the 5th of January, I repeat, there was no war or rumors of war, and there was very little reason to suppose there would be war unless war should arise in the Philippine Islands. I do not believe that the Senator from Montana or any of the Senators here believed that we were going to have a war. I am morally certain the President of the United States did not believe it, and I know he did not want it. Neither do I mean to say now or at any other time that he did not take all the precautions he should have taken to prevent a war. But if the Senator will take the pains to look at the discussion in the House, he will see that it was not discussed on the theory that we were likely to have any war. There was something said about our having these large extensive possessions that might require more men, it is true, but it was not a war force. This is what the President said:

The importance of legislation for the permanent increase of the Army is therefore manifest, and the recommendation of the Secretary of War for



that purpose has my unqualified approval. There can be no question that at this time, and probably for some time in the future, 100,000 men will be none too many to meet the necessities of the situation.

Mr. President, that was not based upon the present exigency, because it did not exist, and that Army bill was a bill for a hundred thousand men. It was supported by the Republicans in the House, and I called attention to that, because I thought that indicated the policy of the Government of the United States with reference to those islands.

I have turned, accidentally almost, to a quotation from the report of a British consul that I want to read about these people; and I want to read it because I believe if there is anything our people are being deceived upon it is the character of the people there. The Senator who sits beside me, the chairman of the committee, has spoken of them on more than one occasion as bandits. Another Senator of high repute in the Republican ranks, in making speeches in my State—an Eastern Senator—spoke of them as bandits. Mr. President, that there are bandits over there nobody denies. There are bandits in this country, too. But the people as a people are a very good people, and there is no difficulty in their governing themselves.

I will say just a word further, without prolonging this debate. Down on the Malay Peninsula the English Government established, fifteen years ago, a government of the people, by the people, and for the people, and they maintain only one man there. There is no army, and but one man is kept there as an advisory counsel to those people. There had been trouble there for years. When that was arranged, peace came and it has remained with those people from that hour to this. A former British consul thus describes them:

Orderly children—

I ask the attention of the Senate now to this description of these savages, these bandits—

Orderly children, respected parents, women subject but not oppressed, men ruling but not despotic, reverence with kindness, obedience with affection—these form a lovable picture by no means rare in the villages of the Eastern isles.

The author of this, who is a gentleman particularly interested in the friars over there, says:

Will such a happy state of things exist under new conditions? We are very much inclined to doubt it.

The book I hold in my hand is written as a defense of the friars.

Mr. PROCTOR. Written by whom?

Mr. TELLER. By a man by the name of Ambrose Coleman. It was published at Boston. I think it was published in England originally, but it has been published also in Boston. It is an attempt on his part to show that the friars are not as bad people as we think they are. I do not know that they are, Mr. President. I am not going to go into that discussion. I notice that the commission has now turned over the schools of the island to the friars. Possibly that is the only way they could run the schools; I do not know about that.

Mr. President, Senators are anxious about the passage of this bill; and I want to call attention to one point now, so that I shall not have to get up again. The other day, after the junior Senator from Massachusetts [Mr. LODGE] had offered an amendment, and the Senator from New Hampshire [Mr. GALLINGER] had offered an amendment, some Senator said to me that by legislation of that kind we might embarrass ourselves by recognizing our right to legislate for those people. In the act of March 2, 1899, that we passed with reference to the Army, we put in this provision:

That to meet the present exigencies of the military service the President is hereby authorized to maintain the Regular Army, etc.

Then we provided for the reduction of the force, but over on the next page we said:

And provided further, That the President is authorized to enlist temporarily in service for absolutely necessary purposes in the Philippine Islands volunteers, officers and men, individually or by organization, now in those islands and about to be discharged, provided their extension shall not extend beyond the time necessary to replace them by troops authorized to be maintained under the provisions of this act and not beyond a period of six months.

In the bill which we are considering there is a provision that I doubt very much the wisdom of. I suppose it will be not obligatory upon the President of the United States, but simply directory that he may do it, and I hope he will not do it. He may enlist 12,000 men.

Mr. President, if we are going to hold the Philippines by force, by an army, it will be a great deal better to hold them by our own Army than by one raised there. If this army was simply to keep peace, and the people were subjecting themselves to our Government, there would be no trouble about it. We have in the employ of the Government a few hundred people called Macabebes. In the first place, you can not get in a country like that the best people in your Army any more than Great Britain could have got the best people in her army during the Revolutionary war in this country, if she had attempted to raise an army in the United States. Any army that is raised over there will be very much disliked by the people, and I hope we will not attempt that.

I wanted to say a word about the Macabebes. They are not Filipinos in the best sense of the term. They are not the educated Filipinos, nor do they belong to that class. At some later time I mean to present to the Senate some proofs I have of their absolute wickedness and cruelty, showing that they are inflicting upon those poor people out there all the penalties that were ever inflicted on them under Spanish rule, and of the same kind. I think the time will come, and very quickly, when we shall have to dismiss the Macabebes. I am not at liberty to give my authority today, except to say that to me it is absolute, and would be, I believe, to everybody else, that they have committed some of the most cruel tortures upon those people that were ever inflicted upon any people in order to make them give up their arms and tell where the insurgents had hidden.

Mr. President, we can not afford to carry on a war in that way. If we are going to war with those people we ought to go to war with them like a civilized people; and if we are in the right and they are in the wrong, and if we have a right to kill them (and I am told we have killed 40,000 of them already) in order to bring them to harmonious relations with us—I mean the living ones, not the dead—we ought to kill them according to the international laws of war. If we can not find where they are without torture to somebody who may know, we ought to go without that information.

Now, Mr. President, I want to say one word about those people in addition to what I have said, and in just the briefest way. According to my code, liberty is not a thing that is given to people by anybody or any people. It is not the gift of law; it is not the gift of statute. It is the inalienable right of man. It is given to him by the Almighty, and it can be taken away from him justly only by the Almighty command. He has never given any man living the right to take it away from another. It was old John Adams who said, "The rights of the people are antecedent to all earthly governments."

The late President of the United States, in an article that has been published in the North American Review, makes it very clear that liberty is not for us, but for all men, under our system of government and under our principles of a free government. I can not myself but feel all the time that we are living in absolute contravention of those great fundamental principles that recognize the freedom of all men without reference to their color, their condition, their race, or anything else.

I have never been in favor of giving up those islands. I have wanted to hold them. I have wanted to hold them because I believed it was better for those people, and because I believed they might be very valuable to us if properly held. But, Mr. President, if we can only hold them by force, as I have said before, there is no consideration, financial, commercial, or any other, that will justify us in holding them in that way. I believe, and I am firmly of the opinion, that we could organize here, or the President could organize, a commission that would go over there and bring those people in absolutely harmonious relation with us, if the commission went there with the full determination that they were to say to those people, "You are a free people; organize your government," and not sit down in Manila and write a charter of liberty of the kind that the present commission, it is supposed, did the other day.

Let them do that. I know they will not have a government like the Government of the United States, and if we should create a government of that kind they could not maintain it. My controversy with the Administration is not about keeping the islands, but why do you not get into a condition over there that will make it profitable to us and honorable to us and profitable and honorable to those people?

I am not disturbed, Mr. President, about pulling down the flag. I do not want to see it come away from there. I hope it will not come away. But if it is to be the emblem of absolutism I should like to see it pulled down; and, if it is my flag, Mr. President, I should not regret to see it withdrawn in haste at any time. If it is withdrawn under dishonor it will be a greater honor to destroy it than to keep it there as the emblem of absolute power that it now represents. It has never represented absolute power until recently, and if it continues to represent that it will be dishonored as no flag has been dishonored in the last century.

Mr. NELSON. I offer an amendment to the pending bill, which I ask may be printed and lie upon the table.

The PRESIDENT pro tempore. The amendment intended to be proposed by the Senator from Minnesota will be printed and lie upon the table.

[Mr. BUTLER addressed the Senate. See Appendix.]

Mr. HAWLEY. Mr. President, I am about to make a request that I think will be agreeable really to the majority of the Senate. I request unanimous consent that to-morrow at 3 o'clock the bill and amendments shall be proceeded with, without further debate, to a vote.

The PRESIDENT pro tempore. The Senator from Connecticut

asks unanimous consent that to-morrow at 3 o'clock the bill and all pending amendments may, without further debate, be voted upon.

Mr. DANIEL. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

#### NATIONAL FOREST RESERVE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read and, with the accompanying paper, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith, for the information of the Congress, a letter from the Secretary of Agriculture, in which he presents a preliminary report of investigations upon the forests of the southern Appalachian mountain region. Upon the basis of the facts established by this investigation, the Secretary of Agriculture recommends the purchase of land for a national forest reserve in western North Carolina, eastern Tennessee, and adjacent States. I commend to the favorable consideration of the Congress the reasons upon which this recommendation rests.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 16, 1901.

#### AGRICULTURAL CAPABILITIES OF ALASKA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Agriculture and Forestry, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith a fourth report on the investigations of the agricultural capabilities of Alaska for the year 1900, in accordance with the acts of Congress making appropriations for the Department of Agriculture for the fiscal years ending June 30, 1900, and June 30, 1901.

Attention is called to the request of the Secretary of Agriculture that if this report is published by Congress 2,000 copies be printed for the use of the Department of Agriculture.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 16, 1901.

#### AGRICULTURAL EXPERIMENT STATIONS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Agriculture and Forestry, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit a report of the Secretary of Agriculture on the work and expenditures of the agricultural experiment stations established under the act of Congress of March 2, 1887, for the fiscal year ended June 30, 1900, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

The attention of Congress is called to the request of the Secretary of Agriculture that 3,000 copies of the report be printed for the use of the Department of Agriculture.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 16, 1901.

#### THE MILITARY ESTABLISHMENT.

The Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. HAWLEY. Mr. President, I am induced to modify my proposition, and I now request unanimous consent that we proceed to vote on this bill at 4 o'clock on Friday.

Mr. CARTER. On the bill and all amendments then pending.

Mr. HAWLEY. That we proceed to vote on the bill and all amendments pending, beginning Friday at 4 o'clock.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that on Friday afternoon at 4 o'clock the bill and all pending amendments may be voted upon without further debate.

Mr. PETTIGREW. I wish to modify that by saying all pending amendments and amendments offered.

Mr. HALE. Up to that time?

Mr. PETTIGREW. No; including those offered after that time, to be voted upon without debate.

Mr. FORAKER. That is the usual agreement.

Mr. PETTIGREW. It is the usual form.

Mr. HAWLEY. Very well.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that on Friday afternoon at 4 o'clock this bill and all amendments then pending and then offered shall be voted upon without further debate. Is there objection?

Mr. PETTIGREW. I want to include amendments offered after that time, because one amendment may necessitate another.

The PRESIDENT pro tempore. The Chair intended to put it in that way.

Mr. PETTIGREW. Very well.

The PRESIDENT pro tempore. And amendments then to be offered. The Chair said "then offered." Is there objection? The Chair hears none. It is so ordered.

Mr. DANIEL. I desire to offer three amendments to the pending bill, to come in at the appropriate places. I merely offer them now and ask that they may be printed.

The PRESIDENT pro tempore. The amendments intended to

be proposed by the Senator from Virginia will be printed and lie on the table.

#### EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 17, 1901, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 16, 1901.*

##### CHIEF OF BUREAU OF CONSTRUCTION AND REPAIR.

Naval Constructor Francis T. Bowles, United States Navy, to be chief constructor and Chief of the Bureau of Construction and Repair in the Department of the Navy with the rank of rear-admiral, for a term of four years, from the 4th day of March, 1901.

##### CIVIL ENGINEER.

Lyle F. Bellinger, a citizen of Georgia, to be a civil engineer in the United States Navy, from the 12th day of January, 1901, to fill a vacancy existing in that corps.

##### APPOINTMENT IN THE ARMY.

##### Medical Department.

Edward P. Rockhill, of Pennsylvania, to be assistant surgeon with the rank of first lieutenant, January 9, 1901, vice Smith, deceased.

##### PROMOTION IN THE ARMY.

##### Cavalry arm.

Second Lieut. Samuel F. Dallam, Eighth Cavalry, to be first lieutenant, December 11, 1900, vice Schofield, Fifth Cavalry, who resigns his line commission only.

##### APPOINTMENTS IN THE VOLUNTEER ARMY.

##### Twenty-eighth Infantry.

First Sergt. Harry H. Goodyear, Twenty-eighth Infantry, United States Volunteers, to be second lieutenant, January 14, 1901, vice Russell, honorably discharged.

##### Thirtieth Infantry.

First Sergt. Charles W. Stewart, Company H, Thirtieth Infantry, United States Volunteers, to be second lieutenant, January 4, 1901, vice Campbell, resigned.

##### Forty-second Infantry.

Battalion Sergt. Maj. Horace F. Sykes, Forty-second Infantry, to be second lieutenant, January 9, 1901, vice Hackett, promoted.

##### PROMOTIONS IN THE VOLUNTEER ARMY.

##### Forty-second Infantry.

First Lieut. Henry F. McFeely, Forty-second Infantry, to be captain, January 2, 1901, vice Catlin, resigned.

Second Lieut. Edward F. Hackett, jr., Forty-second Infantry, to be first lieutenant, January 2, 1901, vice McFeely, promoted.

##### Forty-ninth Infantry.

First Lieut. William H. Butler, Forty-ninth Infantry, to be captain, January 2, 1901, vice Blunt, dismissed.

Second Lieut. Wyatt Huffman, Forty-ninth Infantry, to be first lieutenant, January 2, 1901, vice Butler, promoted.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 16, 1901.*

##### COLLECTOR OF INTERNAL REVENUE.

Asa Rogers, of Virginia, to be collector of internal revenue for the second district of Virginia.

##### POSTMASTERS.

J. H. Dungan, to be postmaster at Woodland, Yolo County, Cal.

John J. West, to be postmaster at Willow, Glenn County, Cal.

William E. Reading, to be postmaster at Bodie, Mono County, Cal.

Thomas Liddle, to be postmaster at Amsterdam, Montgomery County, N. Y.

Orville T. Putnam, to be postmaster at Pathfinder, Washington County, D. C.

William B. Bundy, to be postmaster at Andover, Allegany County, N. Y.

John H. Rowland, to be postmaster at Cloverport, Breckinridge County, Ky.

A. R. Dyche, to be postmaster at London, Laurel County, Ky.

Henry L. Lovell, to be postmaster at East Weymouth, Norfolk County, Mass.

Walter S. Leaming, to be postmaster at Cape May, Cape May County, N. J.



William H. Jernee, to be postmaster at Jamesburg, Middlesex County, N. J.  
 Robert W. Hinton, to be postmaster at Lumberton, Pearl River County, Miss.  
 Reuben S. Collett, to be postmaster at Vernal, Uinta County, Utah.  
 James M. Ranstead, to be postmaster at Bremen, Marshall County, Ind.  
 Charles D. Davidson, to be postmaster at Whiting, Lake County, Ind.  
 Solomon R. McKay, to be postmaster at Troy, Lincoln County, Mo.  
 William B. Nichols, jr., to be postmaster at Lafayette, Chambers County, Ala.  
 Felicie Louise Delmas, to be postmaster at Scranton, Jackson County, Miss.  
 Edwin N. Bailey, to be postmaster at Britt, Hancock County, Iowa.  
 Albert R. Kullmer, to be postmaster at Dysart, Tama County, Iowa.  
 George W. Summers, to be postmaster at Gunnison, Gunnison County, Colo.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 16, 1901.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## ACTION OF GENERAL CHAFFEE IN CHINA.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to submit the following privileged report on House resolution 315.

The Clerk read as follows:

*Resolved*, That the Secretary of War be, and he is hereby, respectfully requested to inform the House, at the earliest date practicable, what, if any, protest, objection, criticism, or suggestion General Chaffee or any other American officer in China made or offered concerning looting or other action or conduct deemed inhuman, dishonest, dishonorable, or improper; to whom directed or addressed, and on account of what facts or information; and how received and replied to, and with what result; and what, if anything, the War Department did or caused to be done, or suggested to General Chaffee or other officer or officers, person or persons, or ordered or directed him or anyone else to say or do in reference thereto, with dates, particulars, and details covering the incident or incidents fully and circumstantially.

Mr. HULL. Mr. Speaker, I ask for the reading of the report and the letter from the Secretary of War accompanying it.

The Clerk read as follows:

## REPORT.

The Committee on Military Affairs, to whom was referred resolution entitled "Action of General Chaffee in China," report the same back to the House with the recommendation that it do lie on the table. The letter of the Secretary of War is made a part of this report:

WAR DEPARTMENT, OFFICE OF THE SECRETARY,  
 Washington, January 2, 1901.

SIR: I return herewith House resolution No. 315, making inquiry regarding protests, objections, criticisms, and suggestions by General Chaffee, or other American officers, concerning looting in China, transmitted by you for information and remark.

The subject to which this resolution relates is so intimately connected with the diplomatic relations and negotiations concerning the critical and delicate conditions now existing in China that I think it would be very inadvisable to attempt any public statement or invite public discussion upon any branch of the subject at this time. The time will doubtless come when the whole subject will be a proper matter for a report, but that time clearly has not yet come. An answer to the resolution would require me to call upon General Chaffee for a detailed report, and it is probable that no answer could be received before the end of the present session of Congress.

Very respectfully,

ELIHU ROOT, Secretary of War.

Hon. JOHN A. T. HULL,  
 Chairman Committee on Military Affairs, House of Representatives.

The SPEAKER. The question is, Shall the resolution lie on the table?

Mr. HULL. Mr. Speaker, the gentleman from Missouri [Mr. DE ARMOND] introduced the resolution and could have called it up before the committee made the report. I understand he would like a little time. If the gentleman will state how much, I should be happy to yield to him.

Mr. DE ARMOND. A few minutes.

Mr. HULL. I ask unanimous consent, Mr. Speaker, that the gentleman from Missouri may have five minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the gentleman from Missouri [Mr. DE ARMOND] have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DE ARMOND. Mr. Speaker, I shall not consume all of the five minutes. The resolution was suggested by an item which appeared in the papers, very creditable, I think, as to the course of the commander of the American troops in China. The resolution was prompted by a desire to get information in regard to that

incident wherein it was stated that General Chaffee had rebuked or had protested against the conduct of an officer of a foreign government with respect to the course of affairs in China. It indicated that the responsibility for the barbarity and dishonesty prevailing to a large extent in that unhappy country at this time does not rest with the American commander or the American soldiers.

The reason given by the Secretary of War in his letter to the chairman of the Committee on Military Affairs, in answer to the letter of inquiry from that gentleman, seems to give sufficient reason, I think, and as the committee thought, why this resolution ought not to be pressed. With this statement I am entirely content that the recommendation of the committee be followed.

The SPEAKER. The question is, Shall the resolution lie on the table?

The question was taken and the resolution was laid on the table.

## RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 13189, the river and harbor bill.

The motion was agreed to. Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOPKINS in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union is now in session, pursuant to the direction of the House, for the further consideration of the bill H. R. 13189, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Improving Missouri River above Sioux City: Continuing improvement and maintenance, including snagging, \$40,000.

Mr. THOMAS of Iowa. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

In line 14, page 75, after the word "River," insert "at and."

Mr. BURTON. I have no objection to that.

The amendment was agreed to.

The Clerk read as follows:

Improving Missouri River below Sioux City: Continuing improvement, \$300,000, which shall be expended in the improvement of such portions of said river as the Secretary of War may designate; and such portions of said appropriation as he may deem necessary may be expended for the improvement of tributary streams of said river heretofore under improvement under the direction of the Missouri River Commission.

Mr. DOUGHERTY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting in line 20, on page 75, immediately after the word "designate," the following:

"Provided, That whenever the Missouri River is caving its banks and destroying or threatening to destroy valuable real estate or materially change its proper channel, the Secretary of War is hereby authorized, upon application of any person or persons owning real estate fronting said river, in his discretion, to construct dikes, wings, revetments, jetties, or such other works as in the opinion of the Secretary of War may be necessary or sufficient to prevent such caving or erosion of the banks thereof and confine and retain said river to its proper channel. In the matter of the construction of such dikes, wings, revetments, jetties, or other works as above described, the said Secretary of War may receive, without cost to the Government, and use in the construction of such improvements such material and labor as may be furnished by any person or persons interested in or benefited by the same: Provided further, That the Secretary of War may, in his discretion, authorize and permit any person or persons owning real estate on said river to construct and maintain on their own account, and at their own proper cost and expense, such dikes, wings, revetments, jetties, or other work, as above described and contemplated, all work so done, however, to be done under the supervision, direction, and control of the said Secretary of War."

Mr. DOUGHERTY. Mr. Chairman, I trust that the merit which I think I see—

Mr. HEPBURN. If the gentleman from Missouri [Mr. DOUGHERTY] will yield for a moment I would like to offer at this time an amendment relating to the same matter. It is to insert after the word "river," in line 20, page 75, the words "and in maintaining the stability of its banks."

The CHAIRMAN. Does the gentleman from Iowa offer that as an amendment to the amendment?

Mr. HEPBURN. No, sir; as an amendment to the paragraph. I want to have it pending during the argument of the gentleman from Missouri.

Mr. CLARK. I wish the gentleman from Iowa [Mr. HEPBURN] would state his amendment again.

Mr. HEPBURN. I wish to insert after the word "river," in line 20, page 75, the words, "and in maintaining the stability of its banks;" so that the clause will read, "shall be expended in the improvement of such portions of said river and in maintaining the stability of its banks, as the Secretary of War may designate."

Mr. DOUGHERTY. Mr. Chairman, I trust that the merit which I think I see in the amendment I have submitted may become apparent to the committee, that it will receive no opposition from the chairman of the River and Harbor Committee, and that it may be eventually adopted. The purpose and effect of the proposed amendment is not to lay any additional burden of

obligations upon the Government in the matter of Missouri River improvements, but it is designed to enable the Secretary of War to construct vastly greater improvements without any additional cost. There is nothing in the amendment which makes it in any sense obligatory upon the Secretary of War to make any expenditure or do any work at all, but when any person or persons owning real estate on the river front petition the Secretary of War to construct a wing, dike, revetment, or other work of a similar character at a designated point where the river threatens to change its course, or where erosion of the banks occurs, then the Secretary of War may, in his discretion, comply with such request and cause to be constructed such needful and proper improvements, and accept from interested persons, to be used in such improvements, such labor and material as they furnish without cost to the Government.

Many of the owners of real estate on the river will very gladly avail themselves of an opportunity to supply the necessary willows, stones, and timber for piles, which constitute, Mr. Chairman, principally, or in fact about all, the material used in the construction of work of this character.

It seems to me that provisions of this character may well serve to aid in the construction of such improvements and may enable the Secretary of War to accomplish four times the amount of work heretofore accomplished with the same amount of appropriation available. In other words, the \$340,000 which this bill carries for the general improvement of this river for its full length may, under the operation of this proposed amendment, be made to do more than \$1,000,000 worth of work; and at the same time, Mr. Chairman, will prevent the erosion of the bank and consequent changes in the channels of the streams, and also reclaim millions of acres of the most fertile soil on the continent.

The concluding paragraph of this proposed amendment provides that the Secretary of War may in his discretion authorize or permit owners of real estate on the river front to construct such improvements as heretofore mentioned at their own cost and expense; but it requires such work to be prosecuted subject always to the supervision, direction, and control of the Secretary of War.

Now, the justice and propriety of this provision certainly need no elaboration. It may be claimed that this privilege now belongs to individuals; but there are instances where such work has been undertaken by private persons and they have been stopped or prevented by the officials of the Government. If the right does accrue to individuals, I submit that it is perhaps only a constructive right.

Now, Mr. Chairman, upon comparison with other streams the Missouri River is entitled to serious consideration.

[Here the hammer fell.]

Mr. CLARK. I ask unanimous consent that my colleague [Mr. DOUGHERTY] have five minutes more.

There was no objection.

Mr. DOUGHERTY. Mr. Chairman, the commerce upon this river may not only be of State and interstate importance, but it may be of national concern. From the source, in central Montana, of this great river, called by the aborigines the "Big Muddy," down to its junction with that monarch stream of the continent known to the Indians as the "Father of Waters," and thence down to the Gulf of Mexico, we have a natural inland waterway of greater length than any other on the globe. From the confluence of the Missouri River with the Mississippi near St. Louis up to Fort Benton, Mont., a distance of nearly 3,000 miles, this was counted, until a comparatively recent date, a navigable stream, and the same steamers that plied the Lower Mississippi River plied also the greater portion of the Missouri River.

For this long distance the Missouri River runs through and by the side of seven of the greatest and most productive States in this Union. Upon its banks are situated hundreds of progressive towns and cities varying in size and commercial importance. Notable among such cities I may cite the city of Great Falls, Mont.; Bismarck, N. Dak.; Pierre, S. Dak.; Omaha, Nebr.; the great cities of Sioux City and Council Bluffs, in the State of Iowa; Atchison and Leavenworth, Kans.; St. Joseph, Kansas City, Jefferson City, and we may well add St. Louis, the great metropolis of the central West. These cities are situated upon the banks of this great stream. And in the valley of the Missouri River there are millions of acres of more fertile and productive soil than any on the globe, not excepting even the most favored region in the famed valleys of the Nile. The development of the mineral, agricultural, timber, horticultural, and live-stock interests of this vast territory tributary to the Missouri River is destined, in my opinion, to make it in time one of the nation's great arteries of commerce.

And, gentlemen, those who come after you may well wonder at your refusal and neglect to preserve this stream to the uses of commerce and navigation. If abandoned now and suffered to pursue its wonted way through the yielding soil in its valleys, not only will wreck, ruin, and devastation come to this land of incalculable aggregate value, but the reclamation of the river for purposes of

navigation will be rendered immeasurably more difficult and expensive. Instead of being abandoned, as is contemplated, it should be accorded the most skillful attention at the hands of scientific engineers, with proper appropriations at their command.

Among other reasons why this river is not now more extensively used for the purposes of navigation is the fact that several great railway systems parallel it, so to speak, but under all existing conditions this great river is to-day a standing menace to the extortion of railway corporations, and serves to keep freight rates to all river points within due bounds and reasonable moderation.

The navigable streams of the country are the only transportation highways of the people, and in the interest of the people, to protect them against the greed and extortion of incorporated monopolies, they should be maintained. While I do not charge it to be a preconceived purpose on the part of the River and Harbor Committee, yet upon examination of this bill the fact is disclosed that a vast majority of the sum carried in this appropriation accrues to those States of Republican politics.

Must we conclude that imperial Missouri, the recognized Gibraltar of Democracy and the chiefest champion of constitutional liberty, must, because of political faith and affiliation, suffer her great waterway—which traverses the very heart of the State from east to west—to be treated as a nonnavigable stream, and, forsooth, have further appropriations for its improvement withheld?

Coming, as I do, from the Middle West, as a Missourian justly proud of my native State, anxious to contribute in some small degree, at least, to her present advancement, future greatness, and lasting glory, I protest against the treatment accorded this great stream by the Committee on Rivers and Harbors.

The Missouri River is peculiarly the people's highway of the middle West. It is not owned and controlled by grinding corporations, and with proper care and attention it may be made of incalculable value in the matter of encouraging, developing, and transporting the vast trade and commerce of those great States that are laved and refreshed by its turbid waters.

[Here the hammer fell.]

Mr. BURTON. Mr. Chairman, I regard this amendment as extremely objectionable. In the first place, it is not clear what is meant by it. This is the way it starts:

*Provided, That whenever the Missouri River is caving its banks and destroying or threatening to destroy valuable real estate or materially changing its proper channel, the Secretary of War is hereby authorized, upon application of any person or persons owning real estate fronting said river, in his discretion, to construct dikes, wings, revetments, jetties, or such other works as in the opinion of the Secretary of War may be necessary.*

Now, the recommendation of the committee is that we look to a policy which stops those large appropriations of money for the protection of the banks of alluvial streams. We make that recommendation because we feel assured that in a few years, if we continue that class of appropriations, they will overshadow the other appropriations in the bill; because, further, we believe that they are not proper appropriations in a bill of this nature, and they are very doubtful from a standpoint of expediency and propriety. It is extremely doubtful, I say, whether the Federal Government ought to make these appropriations.

I had understood that it was the general sentiment of the House to favor that recommendation of the committee, though I stated that I desired the fullest discussion. I want to say again to the friends of river and harbor improvements that if they desire that this bill be kept what it should be, they had better join in any movement to exclude such items. It appears that some \$11,000,000 has been expended upon the Missouri River; that the larger share of that sum has been expended for objects just like that named in this amendment—to prevent the caving of banks threatening to destroy valuable real estate, etc. Now, then, the committee for which I speak do not believe that that should be done. Does this committee or does the House of Representatives desire to continue this extravagance? Are they willing that this lavish expenditure shall go on without result? We do not so recommend. We say it should be discontinued.

The paragraph in the bill appropriates \$300,000, which shall be expended in the improvement of such portions of said river as the Secretary of War may designate. The amendment under consideration proposes certain methods in which this money may be expended. Now, what is the inference to be derived from that? Why, Mr. Chairman, the result will be, if this amendment is adopted in its present form—because the phraseology is undoubtedly wrong—that the Secretary of War will simply say, "Why does Congress give me this \$300,000?" Manifestly the purpose is to continue the work heretofore done, to shore up the banks and go on with the same character of work that has been carried on there for so many years, to continue the same methods of expenditure in this regard which have been so unproductive in the past.

I had understood that it was the intention of the gentleman that the Secretary of War was not to expend the money of the Government for this purpose, but certainly that is not the language of the provision he has drawn. I think he has been unfortunate,



therefore, in the phraseology of the amendment, if I understand the purpose he had in view.

Now, I would like to ask the gentleman if he would consent to add to his amendment a proviso in substance that no part of said appropriation shall be expended for the purpose to which I have referred?

Mr. DOUGHERTY. I would like to ask the gentleman this question in response to his, premising my question with the statement that the only expenditure contemplated by the amendment is to be made by the Secretary of War. The purpose of the amendment is to authorize individuals to furnish material and labor necessarily entering into the construction of such works as are indicated in the amendment, and the only expense to the Government would be the transfer of the boats, the pile drivers, and matters of small expense like that, while all of the material and part of the labor is furnished by individuals. It certainly seems that that small proportion of expense should be borne by the Government.

This amendment does not provide for any expenditure excepting such as may be advisable, in the language of the amendment, in the discretion of the Secretary of War. It does not take anything from the appropriation heretofore made. It simply changes the method of applying it.

And now, if the gentleman from Ohio will permit me further, there is another inquiry I would like to make. I find on page 61 of the bill, beginning with line 9, the following language:

The sum of \$5,401.86, being the balance of an amount heretofore appropriated for the survey of the Licking River in Kentucky, or so much thereof as may be necessary and remaining unexpended, is hereby diverted and made available, to be expended, in the discretion of the Secretary of War, in restoring the bank of the Ohio River and roadway between Covington and Ludlow, Ky.

This is a similar proposition—

Mr. BURTON. Mr. Chairman, I must decline to regard the item the gentleman has read as a precedent in this bill. It was an item which was put into the bill not through any agency of mine, and I was not in harmony with it. I did not make the proposition at all; and if the gentleman, when this bill was being considered at that point, had risen and made objection to the provision, I should certainly have made no opposition to its going out.

But in response to this question of the gentleman, if all the expenses to which he refers—relating to the pile drivers and small matters of that kind—

Mr. DOUGHERTY (interrupting). That is all.

Mr. BURTON (continuing). And trivial expenses of that character were solely involved, then the gentleman in his amendment was certainly, as I have said before, exceedingly unfortunate in the phraseology he used. Now, what is that phraseology?

Mr. DOUGHERTY. May I suggest this question—

Mr. BURTON. It states here that the Secretary of War is authorized to construct—not to transfer—pile drivers to aid in constructing—not to carry material, but to construct—dikes, wings, revetments, jetties, or such other works as in the opinion of said Secretary of War may be necessary or sufficient to prevent such caving or erosion of the banks thereof and confine and retain said river to its proper channel. There is a broad authority, amounting to a command, to go on there, not in any partial way, but with the full amount of this appropriation, and to continue the very erroneous system which has been in vogue.

Mr. DOUGHERTY. May I ask the gentleman a further question?

Mr. BURTON. Certainly.

Mr. DOUGHERTY. Upon application of parties in interest, in the event that the Government boats and machinery were transferred to a given point to do certain work, and the labor was performed by private individuals owning property and those employed by them, and the materials furnished for the construction of a given work, the mere fact that it was under the supervision, direction, and control of the Government would make it Government work, and it would be constructed by the Government, and that is all that that provides for. It simply means that the Secretary of War, in his discretion, may authorize this to be done, on such terms as he may approve.

Mr. BURTON. The gentleman is decidedly in error in that statement. Here is an appropriation of \$300,000, and a statement made as to what the Secretary of War may do, that he may do certain things. The discretionary power amounts to a command. If it was desired that he should merely exercise a certain amount of supervision there, it would have been very easy to have said so; but a great deal more has been said. Now, I have no objection, and I want to say one further thing here in the matter of the construction of such dikes, wings—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON. I desire to offer an amendment.

Mr. DOUGHERTY. I ask that the time of the gentleman from Ohio be extended five minutes.

Mr. BURTON. I offer an amendment that seems to me meets the case.

Mr. DOUGHERTY. An amendment to the amendment?

Mr. BURTON. Yes.

Mr. CLARK. Will the gentleman allow me?

The CHAIRMAN. Does the gentleman offer that as an amendment to the amendment already pending?

Mr. BURTON. To the amendment already pending.

Mr. CLARK. Mr. Chairman, I want to ask you a question before that amendment is read, for information. If this amendment of my colleague [Mr. DOUGHERTY], with the amendment of the chairman, is voted down, then will it be a proper parliamentary performance to offer another amendment to this very same section?

The CHAIRMAN. It will. The Clerk will report the amendment to the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Insert in line 20, page 75, after the word "designate," the following:

"And such dikes, or other construction as may be necessary to protect public or private property, may be located in said stream and upon the banks thereof, by abutting owners and municipalities: *Provided*, That they do not interfere with the proper navigation of said river: *And provided further*, That the same are approved by the Government engineer having the improvement of said river in charge."

Mr. BURTON. That is a substitute, Mr. Chairman, rather than an amendment.

The CHAIRMAN. The question is on the amendment just read.

Mr. BURTON. Now, this provision in the matter of the construction of—

such dikes, wings, revetments, jetties, or other works as are herein specified, the said Missouri River Commission or Secretary of War may receive, without cost to the Government, such material and labor as may be furnished by such person or persons owning real estate on said river.

While no doubt it was offered in the utmost good faith, it is open to the assertion that it is put in here to give to this body the idea that the people out there are going to come forward and give the material and give the labor. Whoever heard that it was necessary to solemnly pass an act of Congress in order to authorize the people along the Missouri River to give something to the Government. It is not necessary for us to do any such absurd thing as that. If they desire to cooperate with the engineers, if they desire to do the work, if they desire to furnish the material, they can do so, and we do not have to write it down in the statute book.

Mr. RUCKER. Will the gentleman yield for a question?

Mr. BURTON. Certainly.

Mr. RUCKER. Does the amendment just offered by the chairman of the committee provide or contemplate that the Government may use these boats and pile drivers in this work without charge to the adjacent landowners?

Mr. BURTON. No; it does not.

Mr. RUCKER. Would the gentleman be willing to add that to his amendment?

Mr. BURTON. If the gentleman will furnish his phraseology, I can answer that question in a minute.

Mr. RUCKER. I did not catch the exact reading, but as I understood it I would like to have that provision, that in such work the boats, pile drivers, etc., used by the Government may be employed without cost to the landowners.

Mr. BURTON. I am willing to add that in this language:

*Provided*, That such equipment as is now owned on the Missouri River, available for this purpose, may be used for work of this nature in connection with work done or material furnished by the owners of abutting property.

Mr. RUCKER. Say for hauling the material, driving piles, etc.

Mr. BURTON. Oh, yes; add the expense of such operation to be paid.

Mr. RUCKER. If the gentleman will do that—

Mr. BURTON. As the small expense of operating is to be paid by the private owner, I am willing for a time that the expense of operating should be paid by the Government.

Mr. RUCKER. I should be glad if the gentleman will go as far as he can.

Mr. BURTON. I would be willing to add "the expense thereof to be paid by the persons applying for the work."

Mr. RUCKER. I thought you said you would be willing for the Government to pay the expense of the work.

Mr. BURTON. I would be willing to have the Government pay it for two years, or a limited time.

The CHAIRMAN. The Chair would suggest to the gentleman that he present his amendment in writing.

Mr. BURTON. I will have it drawn in a very few minutes.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. HEPBURN. Mr. Chairman, I am in favor of the amendment of this section so that the appropriations can be used for the purpose of giving stability to the banks of this river. I do not believe there will be any immediate benefit to navigation, but I believe, from what I have heard from gentlemen who have favored other appropriations, that there will be indirect benefit. We all know how a large portion of alluvial soils are undermined and



carried down the Missouri River, and that they are deposited in the Mississippi River, and that they constitute, in part, the sand bars in that river that we have to move, and that if we can prevent the sand from going down we can do away with the necessity of its later removal, and in that way—and I think in that way only—this will be an aid to navigation.

Now, Mr. Chairman, this is not a new departure. This bill is full of propositions of this kind relating to other streams. I find on page 61 there is a provision in lines 14, 15, and 16 that the appropriation "is to be used in the discretion of the Secretary of War in restoring the bank of the Ohio River;" also, an appropriation on page 72 of \$20,000 "for the maintenance, repair, and riprapping of the natural and artificial banks along the eastern shore of the Mississippi River." Again, in another paragraph I find "\$70,000, or so much of it as may be necessary to protect the bank of the Mississippi River." But there is another instance, much more notable, where the appropriation is extraordinary, authorizing an appropriation for the improvement of the Mississippi River directly of \$2,500,000, with the possible appropriation of \$5,000,000 in addition.

It will be remembered that it was stated by the gentleman from Ohio yesterday that it was the object of the commission to secure a uniform depth of 9 feet from Cairo to the sea. He said further that that work was being prosecuted on the old method of dredging—that substantially the new methods of the Mississippi River Commission had been abandoned, and they had gone back to the old method of dredging, aided by the building of levees to hold the banks of the river.

Now, Mr. Chairman, I have taken the trouble to make a little calculation. You all know that there is at all times and in every place of the current channel of the Mississippi River at least a depth of 7 feet. There never has been a bar, I think, where it has been less than that, and there are not to-day twenty places in the Mississippi River where the depth is less than 9 feet. But I have assumed there is a uniform depth of 6 feet. To secure 9 feet, you must remove 1 yard of silt in order to get the 9 feet.

I have made my calculation on the basis of a channel of 240 feet. That would be 80 yards. It would, with 1,760 yards to the mile and 500 miles, make a total of 74,400,000 cubic yards. The gentleman told us yesterday or earlier in the debate—the gentleman from Mississippi—that one of the modern dredges would remove 5,000 cubic yards in an hour. I have seen a statement of where one, on a trial, removed 10,000 cubic yards of sand in one hour. But take the statement of the gentleman, and suppose there are 500 miles of sand bars to be removed.

The gentleman from Mississippi will tell you that there is not a hundred miles of sand bars to be removed in length extending up and down the river. But suppose there are 500? That would make a gross total of 74,000,000 yards. One dredge excavates 5,000 yards per hour, or 50,000 yards per day, and five dredges will excavate 250,000 yards per day, or 74,400,000 yards in 282 days. One dredge, I am told, costs \$500 a day to operate, and five dredges will cost \$2,500 a day, or \$905,000 for 282 days. Add the cost of five dredges at \$100,000. It was stated once before a committee of which I am a member that that was the cost of one of the improved Bates dredges. Put it at \$100,000, and we have a total of \$1,205,000 as the total cost of dredging the channel, as I have told you before, for 80 yards wide and 500 miles long.

This bill, as I have said, carries an appropriation for the Mississippi River Commission of \$7,500,000. Deduct this cost of completing the channel so that it will meet the expectations of the gentleman from Ohio and give 9 feet in depth, 240 feet wide, the whole length of the river, and you have a remainder of \$6,295,000. What is that immense sum for? It is in this bill for the care of the banks of the river and for elevating these banks so as to protect the private property of people living on that river.

For the present I am not quarreling with that use. I am simply trying to suggest that if it is wise to do it there, it may be in other places, and trying further to suggest that gentlemen are mistaken when they tell us they are eliminating this class of appropriations from this bill.

Now, Mr. Chairman, this is an important matter. The gentleman from Ohio may say that anybody may at his pleasure, at any place or time, make the improvements that will protect his property from encroachment on the Missouri River. I deny it. I say it is within the power of the Secretary of War to remove whatever the citizen himself may do, without he first can secure authorization from that officer. It has been done time and again, and will be done again. I suggest to the gentleman that it is a criminal offense, if there is navigation, for any person to undertake to change the current, to invade the stream, notwithstanding it may be essential to protect his own property. We ought at least to have the power and privilege on this great stream where there is no commerce, where there is no traffic, to protect our own property from its incursions.

I suggest that it is most essential. Every man familiar with that stream knows that throughout the great valley of 25 miles in

width in places it wanders at will, destroying that farm, magnificent in its character yesterday, and to-day a waste. We want something done. We think the Government ought to do what it proposes to do for the residents near the great improvement in Illinois, what it does for Tennessee, what it does in Arkansas, and in other States. Let this money be used for the protection from the erosion of the banks of the river.

I have here a statement taken from a newspaper published in Nebraska last Saturday:

DOES NOT KNOW HIS STATE—M'KNIGHT LIVES IN IOWA OR NEBRASKA, BUT WHICH?—CURIOUS EFFECT OF ONE OF THE LITTLE ECCENTRICITIES OF THE MISSOURI RIVER—OMAHA NOTES.

OMAHA, NEBR., January 11, 1901.

It has never been legally determined whether Solomon McKnight is a resident of Iowa or Nebraska. No one knows, in the eyes of the law, in which of the two States his farm lies, and it is this uncertainty that may result in a money lender's loss of \$300, and cause McKnight to be ahead that sum.

In 1856 the Missouri River flowed over the strip of ground where McKnight's farm is now located. The farm was the river's bed. At the present time the stream runs a good distance to the east, so that an observer unacquainted with the vagaries of the stream would say that the farm is a part of Nebraska. A few years ago McKnight borrowed \$100 from J. J. Gravatte, agreeing to pay \$300 in the event the law had to be invoked to secure payment. Suit was brought, as the obligation is long over due. Notice was served on McKnight in Nebraska. His attorneys contend that he is a resident of Iowa. If this is true, the service is illegal and the case must be dismissed without recovery for the plaintiff.

Judge Vinsonhaler heard the affidavit of J. D. Patterson, of Papillion, at the morning session of court, specifying that he was the county surveyor of Sarpy County for a good many years, and that he knows the river changed its course gradually. The importance of the assertion is that if it can be proved the stream did not change its channel very quickly the court, if it follows the decision of the supreme court in the East Omaha case, will hold that the farm is a part of this State. If the change was a rapid one the farm is a part of Iowa. The court reserved its decision until next week.

I have pointed out to the House an instance where a town in my district a few years ago was upon the border of the Missouri River. To-day it is 8 miles away. I have seen a railroad track lying on the borders of that stream moved four times in a year. The Burlington and Missouri River Railroad Company has removed one of its depots six times because of the encroachment of the river. Something ought to be done, and the only question is whether it can be done in this way. My contention is that we are in the line of precedents; that there are precedents given us over and over again in this bill, and that we have had precedents in every one of the appropriations we have made for the Mississippi River Commission, that grand aggregate of \$41,000,000, without the seven and a half millions in this bill, that have been given to increase, not the navigation of the Mississippi River, but the habitable character of the plantations upon its banks. [Applause.]

Mr. CLARK. Mr. Chairman, I ask unanimous consent for fifteen minutes on this amendment.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Missouri for fifteen minutes on this proposed amendment. Is there objection?

Mr. CURTIS. Has the gentleman from Missouri any objection to having the amendments reported again?

Mr. CLARK. No; I would like to have it done, but I do not want it taken out of my time.

The CHAIRMAN. The Chair will state to the gentleman from Kansas that the gentleman from Missouri offered an amendment, and then the gentleman from Ohio offered a substitute.

Mr. CURTIS. I would like, Mr. Chairman, to have both amendments read.

The CHAIRMAN. Without objection, both amendments will again be reported.

The Clerk again read both amendments.

Mr. CLARK. Mr. Chairman, Robert Burns denominates the toothache as "the hell of all diseases." Evidently the well-beloved poet had never had the grip, or he would have remodeled his opinion; and while I ought to be in bed to-day instead of being here, the matter that is pending before the House now is of so much importance to the people I represent and to millions of other people I thought it was my duty to be here. We might as well be perfectly frank with each other. A large portion of the enormous sum carried in this bill is for the protection of private property. The truth is that the preservation of Government property and the protection of private property are so interlaced in the appropriations and in the very nature of things that notwithstanding the committee has done the best it could, it could not possibly separate them.

I am most heartily in favor of the amendment of my colleague [Mr. DOUGHERTY]. I would have offered it myself if he had not. It is in these words:

Amend by inserting in line 20, on page 75, immediately after the word "designate," the following:

"Provided, That whenever the Missouri River is caving its bank and destroying or threatening to destroy valuable real estate or materially change its proper channel, the Secretary of War is hereby authorized, upon application of any person or persons owning real estate fronting said river, in his discretion, to construct dikes, wings, revetments, jetties, or such other works as in the opinion of the Secretary of War may be necessary or sufficient to prevent such caving or erosion of the banks thereof and confine and retain said river to its proper channel. In the matter of the construction of such



dikes, wings, revetments, jetties, or other work, as above described, the said Secretary of War may receive, without cost to the Government, and use in the construction of such improvements such material and labor as may be furnished by any person or persons interested in or benefited by the same: *Provided further*, That the Secretary of War may, in his discretion, authorize and permit any person or persons owning real estate on said river to construct and maintain, on their own account and at their own proper cost and expense, such dikes, wings, revetments, jetties, or other work as above described and contemplated, all work so done, however, to be under the supervision, direction, and control of the said Secretary of War."

If we can not get Mr. DOUGHERTY's amendment, I am for the substitute offered by the chairman of the Committee on Rivers and Harbors, on the sensible theory that a half loaf is better than no bread.

#### THE MISSOURI RIVER.

"The Missouri River is not navigable and the Mississippi ought not to be" is a saying which I have heard attributed to the Hon. Thomas Brackett Reed, the most brilliant epigrammatist of this age, or of any age since the days of Alexander Pope, and the most sarcastic American statesman since John Randolph shuffled off this mortal coil.

The Committee on Rivers and Harbors seems to have adopted this proposition as their own, notwithstanding the fact that there is no truth in the first half of it and no sense in the last half. [Laughter.] The Missouri River is navigable. The Mississippi River not only is navigable, but will be and should be—

Forever and forever;  
As long as the river flows,  
As long as the heart has passions,  
As long as life has woes.

If another pound of freight is never carried upon either of those mighty streams, still it would be the part of wisdom to maintain their navigability as a regulator of freight rates; for the very fact that they can be navigated keeps freight rates from soaring sky high.

The other day my able and distinguished friend from Iowa [Mr. HEPBURN] propounded the astounding theory that boating on the Missouri River had dwindled to the vanishing point on account of what he called "the great and unusual slope" of that turbulent stream.

Does he believe that there has been any notable change in the conformation of the earth's crust in that part of the continent within the last fifty years? Is the source of the Missouri River any farther above the level of the Mississippi now than it was when Robert Fulton invented the steamboat? Have the mountains of Montana lifted their lofty heads any nearer to heaven, or has the bed of the Father of Waters sunk any closer to the center of the earth within his recollection, or even within human memory? Does he think that the "slope" of that river is any greater now than when steamboating was in its palmy days and when hundreds of thousands of passengers and countless tons of freight went up and down from St. Louis to Fort Benton in those gorgeous "floating palaces" which were the pride and glory of the Western country?

Does he believe that the Missouri River "slopes" both ways? [Laughter.] While I listened to his annual speech—pleasant because an old acquaintance; familiar to the ears as household words by reason of its frequent iteration—I concluded that he must harbor that wild hallucination, otherwise his theory of "slopes" sinks into repulsive nothingness, as Rider Haggard's "She," for it stands to reason and to nature that if the "slope" of the Missouri River impedes boating upstream it expedites it downstream, ex necessitate, and in that way exactly evens up the whole thing. [Laughter.]

The learned gentleman's theory as to "slopes" is about on a par with Mark Twain's mathematical demonstration that if the Mississippi River continues to shorten itself for a given number of years at the rate it has been proceeding on that line for the last one hundred and fifty years, Cairo and New Orleans will be jammed together as one city and the Mississippi River will stick out several hundred miles over the Gulf of Mexico.

It must be confessed that the Missouri is a rapid, rushing river, impatient of control, difficult to confine within bounds, but, nevertheless, it is susceptible of being made either a great artery of commerce or the regulator of freight rates.

But the committee practically abandon it and refuse to do anything of moment for the teeming millions along its banks. They say that it is not the business of Congress to appropriate money to prevent the erosion or caving in of banks, although the preservation thereof is one of the most effective methods of preserving the navigable condition of any stream.

Most assuredly, if Congress will not appropriate money to prevent that omnivorous and insatiable stream from eating up the rich riparian lands, Congress ought at least grant permission to the owners to protect their own property from destruction and themselves and their wives and children from bankruptcy, which permission is given in the pending amendment.

My constituents are vitally interested in the adoption of this amendment

There is no richer agricultural plot of ground under the sun than the district which I have the honor to represent.

It skirts the Mississippi for 130 miles, straddles the Missouri, and has in it the mouths of four other rivers navigable by act of Congress. I love to call it the rich Mesopotamia of our western world.

It contains hundreds of thousands of acres of bottom lands more fertile than the valley of the Ganges or the delta of the Nile.

To show how productive these Missouri River bottom lands are I will tell you what actually happened. It is the plain, unvarnished truth, though it sounds like extravagant fiction. The owners, when they rent those lands, take two-fifths of the corn for rent. In the flush times at the close of the civil war some of the farmers in that way realized more than \$26 per acre annual rental on their lands.

Yet, many of my constituents write me that at the present rate in a few years all those wondrously rich lands will be forever destroyed and that the Government will neither help the owners nor let them help themselves—a sort of vicious dog-in-the-manger policy. My constituents tell the exact and painful truth. They have started in on several occasions to build the necessary works to save their lands, but invariably the Government pounced down upon them and stopped them on the theory that they were interfering with navigation.

But, strange to say, when those same owners ask the Government to improve the navigation of the river the Committee on Rivers and Harbors declare that the river is not navigable. It is and it isn't. Now you see it and now you don't. [Laughter.] A species of Governmental shell game.

Most clearly, as a matter of common sense and of common justice, if Congress will not appropriate money to protect these magnificent lands from destruction, it ought to cheerfully grant the owners the poor boon which they crave—of leave to save them themselves.

We are expending vast quantities of blood and treasure to secure new lands in the Orient as future homes for our children. Why not preserve the homes which we already have in the very heart of the continent? [Applause.] If old Ben Franklin was correct when he enunciated the great economic theory that "a penny saved is a penny earned," is it not equally true that "an acre of land saved is an acre of land acquired," especially when that acre is in the alluvial bottoms of the Mississippi and the Missouri? The money which we have spent, which we are spending, and which we are about to spend in the Philippines would suffice to build granite dikes 20 feet high from Alton to the head waters of the Missouri River, and furnish a current deep enough and broad enough to bear upon its bosom the commerce of the world, and would preserve as homes for our children and our children's children millions of acres of marvelously rich land in a dozen great States.

A Missouri poet, George W. Ferrel, has written the following splendid verses about the Missouri River:

#### I.

When youth was crowned with flowers of spring,  
And robins could not help but sing;  
When step was agile, eyes were bright,  
And there were dreams of pure delight,  
I, then a lad without pretense  
And vested in all innocence,  
First saw thy rippling currents run  
Beneath the kisses of the sun.  
I watched them at the morning hour  
In sinuous sweep or subtle power  
Speed eastward on their shining way  
Toward the gleaming gates of day.  
No hand to hold them, none to check,  
They dwindled to a misty speck  
In distance down the tireless stream  
As strangely as a baseless dream.  
And still they came and vanished far  
Beneath the early morning star,  
As ceaseless as the human tide  
Since guilty Eve and Adam died.

#### II.

At evening, when the sun was red,  
God's glory all around him spread;  
When voices of the night were near,  
Half whispering as though in fear,  
I've seen him fling a cloth of gold  
As rich as any king's of old.  
Upon thy bosom, broad and free,  
With a magician's witchery.  
Enthralled and held by dreamy trance  
As in the ghostliest romance,  
I've seen the shifting phantoms leap  
In beauty's power or terror's sweep,  
Or gliding hither, here and there,  
Elusive as the ambient air,  
With fabled forms and shapes grotesque  
Like figures in an arabesque.  
They made no sign, they had no tongue,  
They faded whence they flashed and sprung,  
And left me, as forevermore,  
A pilgrim on that shadowy shore.

## III.

O mighty river, full of moods  
As leaves in Vallombrosa's woods,  
Thou hast a frown, thou hast a smile,  
For every minute, every mile!  
Thy depths enlock a thousand years  
Of glad times and bitter tears;  
Of harvest's songs and famine's wails,  
Of tragic scenes and lovers' tales.  
Interpreted by one who knows  
Thy language as thy water flows,  
Thou art a volume filled with lore  
From fountain head to either shore.  
The God who wrought thy wrinkled face  
And set thy current's rapid pace,  
Who smote the mountain rock and sent  
Thee rushing through a continent,  
Hath buried deep and buried well  
Beneath thy bosom's ceaseless swell  
A thousand stories stern and true,  
A thousand legends linked with you.

## IV.

In dreaming on these things at night  
I catch from fancy's flaming flight  
The echoes of the Indian's song  
Upon thy wave that floats along;  
I see the trapper in his tent  
Beneath the starry firmament;  
I hear once more the round wheels plash  
Through billows broad and floods that flash;  
I see those palaces in pride  
Bear up against the turbid tide  
Full-freighted to the eager West—  
A world of wealth upon thy breast;  
I hear the cannon roar afar  
Along thy banks in days of war;  
I see the thirsty cavalry  
Dip deep beneath thy troubled sea;  
And then the sun of peace serene  
Smiles down upon thy borders green—  
No more upon thy mighty flood  
The boom of guns, the stain of blood.

## V.

Flow on, O river, toward the sea,  
Flow far and fast and grand and free  
From where the golden sunsets are  
By island green and sandy bar!  
The great bluffs with their hoary heads,  
The meadow, as it smiles and spreads,  
The gloomy forests dark and wide,  
Watch over thy unfettered tide.  
The generations, one by one,  
May perish with the passing sun;  
Their very records all may fade  
With temple, tower, and colonnade,  
But still thy stream shall murmur low  
And leap and flash and sing and flow  
By height and town, by cliff and isle,  
In stormy mood or gentle smile,  
Until the very hand of Him  
Shall dry the fountain at its brim  
And stay thy course forevermore  
By fallen crag, deserted shore.

## THE MISSISSIPPI RIVER.

The permanent deepening of the Mississippi is a great national work which will be an incalculable blessing to the country, and the whole country. One can not read, even at this late day, without a thrill of patriotic pride and pleasure Thomas Jefferson's declaration that "The Mississippi must flow unvexed and unfettered to the sea." That was the pregnant prophecy of the glorious fact that we would become a vast continental power.

Congress should unquestionably and unhesitatingly appropriate money enough to maintain a channel in the Mississippi wide enough and deep enough all the year round to float ocean steamers, which would carry the commerce of the great valley of the Mississippi to the uttermost ends of the earth, without the trouble and expense of unloading and reloading. It would be money well spent from every conceivable point of view.

It would not only regulate freight rates to the seaboard, but would increase the commercial importance of every city, town, and village between the Alleghenies and the Rockies. More than that, it would, by saving freight charges, add to the value of every acre of land, of every bushel of wheat, corn, oats, rye, potatoes, and fruits, and to every bale of hay, and to the value of every horse, mule, cow, hog, and sheep, and would enhance the value of every day's labor of every man, woman, and child from Pittsburg to Denver and from Lake Itasca to the Gulf of Mexico.

I am not much disposed to complain of the members of the Committee on Rivers and Harbors because they have taken especially good care of their own States, for it is written in a very old book that "If any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel." I also remember that Mark Twain, the illustrious Missourian, says, "Human nature is very strong, and we all have a heap of it in us." Evidently the members of the River and Harbor Committee form no shining exceptions to Mark's general rule. But I submit, Mr. Chairman and gentlemen, that while the members of this committee were making such a liberal distribution of the pork they ought to have given me at least a good

rasher of breakfast bacon in the \$50,000 appropriation that I ask for the harbor of Hermann. [Laughter and applause.]

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman, I venture a suggestion or two to the gentleman from Missouri [Mr. CLARK] with a great deal of diffidence. I see that he has studied the question of navigation and hydraulics and understands it thoroughly. He has overcome a difficulty that engineers have never yet been able to overcome to their satisfaction. He has discovered that the slope of a river and the extraordinary currents that may result from an excessive slope do not interfere with navigation, because while it may be difficult to get up, yet you can slide down so much easier that the thing is balanced and you have a complete equipoise. [Laughter.]

As boys, we used to think there was a great deal of delight in sliding downhill. We would even draw a sled back for the pleasure of the swift motion downward. But that plan has never yet been adapted by men to transportation, as I understand. According to the gentleman's theory, Niagara Falls is not an impediment to the navigation of the Niagara River. It might be very difficult to get up, but you would come down so fast that the thing would be equalized. [Laughter.] In view of the fact that there is no navigation and no commerce on the Missouri River, probably the gentleman's view of the subject may be absolutely correct.

I think, Mr. Chairman, that we ought to have this amendment, and I want to say, in a word, that I hope the members of this House will vote not only for this amendment, but will give the authorities the right to secure stability to these banks. I do not care about the phraseology of the amendment. I hope the committee will give that authority and that they will then double the amount reported in the bill.

Mr. BURTON. Mr. Chairman, I think the proposition should be clearly before us. There are three pending amendments. The first is the amendment proposed by the gentleman from Missouri [Mr. DOUGHERTY]. Then there is a second, the one proposed by the committee or its chairman, which is a substitute for that. Then there is the third, the one proposed by the gentleman from Iowa [Mr. HEPBURN], that on page 75, after the words "said river," in line 20, there shall be added the words "and in maintaining the stability of its banks."

Just briefly upon this amendment. We ought not to undertake this proposition of maintaining the stability of the banks.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the amendment offered by the gentleman from Iowa is not yet in shape to be voted on.

Mr. BURTON. Then I ask which of these propositions is to be voted upon first?

The CHAIRMAN. The first proposition to be voted upon will be the substitute by way of an amendment offered by the gentleman from Ohio [Mr. BURTON] to the amendment suggested by the gentleman from Missouri [Mr. DOUGHERTY].

Mr. BURTON. I think the committee clearly understand the questions involved, and so, Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment in the way of a substitute for the amendment offered by the gentleman from Missouri.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that that may be again reported.

Mr. McCULLOCH. Mr. Chairman, I understand the amendment of the gentleman from Ohio is a substitute for the amendment offered by the gentleman from Missouri.

The CHAIRMAN. It takes the place of the amendment, and covers the same ground.

The substitute was again reported.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment of the gentleman from Missouri as amended by the substitute offered by the gentleman from Ohio.

The amendment as amended was agreed to.

Mr. HEPBURN. I now desire to offer an amendment.

The Clerk read as follows:

In line 20, page 75, after "river," insert "and maintain the stability of its banks."

Mr. HEPBURN. Mr. Chairman, just a moment. That is important in order to give complete force to the section. That necessity is not done away with, I will submit, by the amendment that we have already adopted. That does not authorize any expenditure upon the part of the Government, except the use of its machinery and appliances that it now has. Three hundred thousand dollars can not be used without we give this authority, and I hope the committee will favor the proposition.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the chairman announced that the yeas appeared to have it.

Mr. HEPBURN. Division, Mr. Chairman.



The committee divided; and there were—ayes 68, noes 33.  
Mr. BURTON. Mr. Chairman, I ask for tellers on that.  
Tellers were ordered.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] and the gentleman from Ohio [Mr. BURTON] will please act as tellers.

The committee again divided; and the tellers reported—ayes 52, noes 63.

So the amendment was rejected.

The Clerk read as follows:

So much of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, as provides for the creation of a commission to be called the Missouri River Commission, and prescribes the manner of appointment, the compensation, the powers, the duties, the expenditures, and the reports thereof, be, and the same is hereby, repealed from and after June 30, 1901. And said commission shall prepare and submit through the Chief of the Engineer Corps of the Army to the Secretary of War, to be by him transmitted to Congress, a full and detailed report of all their proceedings and actions since the date of their last report, and of all such plans and systems of work as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them, and shall on said 30th day of June, 1901, transfer to and place under the control of the Secretary of War, or such engineer officers as he may designate, all such vessels, barges, machinery, and instruments, and such plant or other property as may then be provided, devised, or in use on said river, or on the Gasconade and Osage rivers, in the State of Missouri, from appropriations heretofore made for such rivers, or other sources, in their possession or under their control.

During the reading of the above,

Mr. SHACKLEFORD said: I want to ask permission to amend the section that was under consideration.

The CHAIRMAN. The Clerk will conclude the reading of the paragraph.

The Clerk resumed and concluded the reading of the paragraph.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the Clerk reports that the amendment offered by the gentleman is to the paragraph preceding the one that the Clerk was reading, and, under the rules, the committee can not go back to that without unanimous consent.

Mr. SHACKLEFORD. There was so much confusion that I did not know the paragraph the Clerk was reading. I had given notice of an amendment, it is at the desk, and I do not wish to discuss it. I therefore ask unanimous consent that we return to the paragraph to which the amendment is proposed.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to the paragraph preceding the one just read. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amend by striking out the word "three," in line 18, page 75, and insert in lieu thereof the word "six;" so as to read "\$900,000."

Mr. BURTON. I trust no discussion is necessary on that, Mr. Chairman.

Mr. BARTHOLDT. One minute. I offer an amendment to the amendment.

The CHAIRMAN. The Chair will state to the gentleman that the amendment he has sent to the Clerk's desk is not an amendment to the amendment, but proposes an amendment to another section.

Mr. BARTHOLDT. No, sir. My amendment is an amendment to the amendment offered by the gentleman, because it strikes out "six." The two propositions ought to be considered together.

The CHAIRMAN. The Chair will state to the gentleman that his colleague has offered an amendment to a section on page 75, and the amendment offered by the gentleman is offered to page 76.

Mr. BARTHOLDT. But I submit, Mr. Chairman, that the two propositions ought to go together. The one proposes to increase the appropriation for the Missouri River Commission from \$800,000 to \$900,000, and my amendment merely leaves the commission in.

The CHAIRMAN. The proposition of the gentleman is to strike out the Missouri River Commission?

Mr. BARTHOLDT. No; to leave it in.

The CHAIRMAN. It strikes out the provision of the bill regarding it.

Mr. BARTHOLDT. Yes, sir.

The CHAIRMAN. That has no relation to the amendment of the gentleman's colleague from Missouri.

Mr. BARTHOLDT. Well, I can offer it later.

The CHAIRMAN. Yes, sir. The question is on the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHACKLEFORD. Division.

The committee divided; and there were—ayes 19, noes 47.

So the amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment proposed by the gentleman from Missouri.

The Clerk read as follows:

Strike out all of page 76 and lines 1 to 3, inclusive, on page 77.

Mr. BURTON. Does the gentleman desire to discuss that subject further?

Mr. BARTHOLDT. Just for one minute.

Since the committee has refused to increase the appropriations asked for in the amendment just voted down, I think it proper for me to withdraw this amendment if I can get unanimous consent to do so. If the commission is to be continued, it is quite plain that \$800,000 is not sufficient for its work, because the \$300,000 which this bill carries for the Missouri River is barely sufficient for protecting the improvements already made. In order to continue the improvement, it would be necessary to increase the appropriation. But since that proposition has been voted down, I beg leave to withdraw my amendment.

The CHAIRMAN. Is there objection to the gentleman withdrawing his amendment just offered? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk, proceeding with the reading of the bill, read as follows:

Improving Gasconade River, Missouri: For maintenance, \$10,000.

Mr. BURTON. Mr. Chairman, I offer the following amendment:

Strike out in line 15, page 77, after the word "Missouri," the word "For" and insert "Continuing improvement and for."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Improving Osage River, Missouri: For maintenance, \$10,000.

Mr. BURTON. Mr. Chairman, I offer the following amendment:

Strike out in line 17, page 77, after the word "Missouri," the word "For" and insert "Continuing improvements and for."

The amendment was agreed to.

Mr. SHACKLEFORD. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Insert at the end of line 18, page 77, after the word "dollars," "for completion and maintenance of Lock and Dam No. 1 on Osage River the sum of \$20,000."

Mr. SHACKLEFORD. Mr. Chairman, I come from that unfortunate section of the West which has been overlooked in the river and harbor bill. In the district I represent is the Osage River. Other Congresses have made appropriations for the construction of a lock and dam on that stream, as has been provided in this bill for a number of other streams of the country. The chairman of the Committee on Rivers and Harbors will not retort to me that the statistics show that there is no commerce on the river. On the contrary, it does carry a considerable commerce, and that for a section of the country where there are no railroads. Lock and Dam No. 1 has been almost completed. Owing to a flood last year there was some destruction of it, and it requires the addition of an appropriation of \$20,000 for its completion.

I applied to the chairman of the Committee on Rivers and Harbors, and he said to me that he preferred I should send to him in writing whatever I had to say rather than to take the time of the committee, as the committee could not give time to hear it. These great States up there have no member on the committee. We had to rest on the tender mercies of the gentlemen who are on the committee from other sections of the nation. I obtained from the engineer in charge the statement that \$20,000 was needed for the completion of the lock and dam and sent it to the committee, but I find they have made no appropriation for it. I hold in my hand a statement from the Chief of Engineers that the condition of the lock and dam is such that an additional appropriation will be necessary to complete it, and I ask the chairman of the committee, and I ask this House, considering that we have no railroad and must rely on the Osage River for transportation, if we can not have the \$20,000 put on the bill to complete that lock and dam?

The chairman of the River and Harbor Committee will not deny that it ought to be done, and the members of the committee will not deny it. I defy one of them to rise and say that this amendment ought not to be made. But they say, Mr. Chairman, "If we give you the amendment, which we know you ought to have, other gentlemen will demand that they, too, shall have an amendment allowed here, and we must stand by the committee, the commerce to the contrary notwithstanding; the needs of the country be what they may, we must stand by the River and Harbor Committee, or our piece of pork will be taken out of the bill." Now, I ask the House if it is not fair that I should have the amendment which I have asked for? Otherwise that improvement will stand there virtually uncompleted for two more years because the committee will not allow the amendment, which the chairman knows ought to be put into the bill, for fear somebody

else will rise on the floor and ask an amendment too. I ask the chairman of the committee to remember that I come from a section of the country where there is no representative on the River and Harbor Committee.

Mr. BURTON. Mr. Chairman, the chairman of the Committee on Rivers and Harbors gathers from the reports pretty well that the gentleman from Missouri comes from a district that has received more in the way of appropriations than practically all the other districts between St. Louis and Kansas City. In regard to many of the provisions on certain reaches they might have been better scattered over the river. So I do not think there is great occasion for complaint on the part of the gentleman as to the treatment he has received in his locality.

Mr. SHACKLEFORD. I would ask the gentleman, the chairman of the committee, if he undertakes to say that the appropriations to which he alludes as having gone to that section of country have been expended on the Osage River?

Mr. BURTON. I will say that I had reference primarily to the Missouri. No one can complain of the treatment that the Osage River has received from this committee. There was a hearing on it two or three years ago, in which I know several of us were very much impressed as to the necessity of water communication on that stream. It is peculiarly located. There is very little opportunity to construct railways along parallel to the banks by reason of the physical conformation of the surface. We made the provision for locks and dams at an expense of over \$200,000. We thought that a proper thing to be done.

Now, by reason of very extensive floods, it is at a late hour reported to us that the work can not be done within the estimate. That, in the first place, is a character of report to which we always give very careful attention. It is a sign either that the figuring has been imperfectly done, that some one has blundered, or that some catastrophe has occurred, as perhaps has been the case here, preventing work from being done at the price at which it was estimated. In the second place, we have a rule that we ought to follow—if we do not follow it, we do not know where we are. It is to the effect that however much we may hear in the way of outside information, from the statements of members, from letters of engineers, even from letters of the Chief of Engineers, stating that a certain amount is required, we ought not to make and can not make the appropriation asked for without an official estimate. This rule has worked very great hardship in a number of cases. I have been myself a believer in a provision which was inserted in the emergency act of June 6, 1900, to the effect that a certain sum should be placed in the hands of the Secretary of War and Chief of Engineers for discretionary disposition under very strict limitations.

Now, I presume it is true that they do need the additional \$20,000 in this case. I know also that there are at least twenty other localities in the country where their urgencies are quite as great; and if we were to allow this item to come in it would not only be opening the door for a score of others, but it would be violating a rule which we ought not to violate in our procedure. The Senate is not governed altogether by the same rules as ourselves. I have made no suggestion in any prior case that that would be the proper body in which to insert an item of this kind. But they are occasionally relieved from inconveniences in the way of rules which should rest upon us with binding force.

Thus, partly because of the injustice to other localities and partly because it would involve the infraction of a rule which we ought not to violate, this amendment, I submit, should not prevail.

The question being taken on the amendment of Mr. SHACKLEFORD, it was rejected.

The Clerk read as follows:

Improving Puget Sound and its tributary waters, Washington: Continuing improvement, \$5,000.

Mr. JONES of Washington. I wish to submit the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 14, on page 80, insert the following: "Grays Harbor and Chehalis River, Washington: For maintenance and repairs, \$18,500; for improvement, \$25,000; total, \$43,500."

Mr. JONES of Washington. Mr. Chairman, this is the amendment which I explained to the House a few days ago. I have noticed the regular precision with which every amendment to this bill opposed by the committee has been voted down. I believe I can have this amendment inserted in the Senate, and I am satisfied that then I can get the chairman of the committee to assent to it in conference. Therefore I shall deprive the Committee of the Whole of the satisfaction of voting down the amendment, and therefore withdraw it.

Mr. BURTON. Mr. Chairman, I will say to the gentleman from Washington [Mr. JONES] that the conference committee will deprive the gentleman of the "satisfaction" arising from our agreeing to an amendment which the Senate may add. At the same time I do not want to forecast any opposition.

I will say in regard to this report that the division of projects is usually very clear in the Engineer's report; but the first examination of this project and the first reexamination did not convince me that anything at all was required here. It would seem that the trouble was rather due to the lack of clearness in stating the division line between different portions of the channel. There is, I will say, a simple way in which this matter may be taken care of—by including it in the project for Grays Harbor proper. I understand, however, that the gentleman from Washington has withdrawn his amendment.

Mr. JONES of Washington. Certainly.

The Clerk read as follows:

Improving the North Fork of Lewis River, Washington, in accordance with the approved project, \$5,000.

Mr. JONES of Washington. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert on page 81, after the word "dollars," in line 5, the following:

"Improvement of Neah Bay, Washington, as a harbor of refuge in accordance with the report submitted in House Doc. No. 139, second session Fifty-fifth Congress, \$200,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid as appropriation may from time to time be made by law, not to exceed in the aggregate \$911,907.50, exclusive of the amounts herein appropriated."

Mr. BURTON. Mr. Chairman, I will reserve the point of order upon that amendment until the gentleman from Washington has explained it.

Mr. JONES of Washington. Mr. Chairman, this project is one of the most important and most deserving that could be presented to the committee to be included in this bill, and, in my judgment, is not subject to any objection made by anyone to any of the other provisions of the bill.

A preliminary survey was ordered for this project some time ago, and report was made to the Chief of Engineers, in which it was recommended that the work should be pursued. A survey and estimate was made in pursuance of the order and submitted to the Chief of Engineers, who transmitted the report and findings of his subordinate officers to the Secretary of War, who, in turn, transmitted this recommendation or estimate to the Speaker of the House of Representatives last January.

Now, while it is true that the Chief of Engineers does not make recommendations in express terms in reference to these matters, and usually submits the report of his subordinates as an estimate, yet in his transmission to the Secretary of War it seems to me that in the case under consideration he has come nearer to making a recommendation than in any report of his that I have seen; and I desire to read what General Wilson says in his letter to the Secretary of War transmitting the report of the local officers who made the examination. He says that Captain Taylor, the local engineer, says in his report:

In my opinion there is no river and harbor work now in progress in this State or contemplated, as far as my knowledge extends, which is of so much importance to the general commerce of the State as the construction of a harbor of refuge at Neah Bay.

Now, Mr. Chairman, it seems to me he could not make a much stronger recommendation than that for a specific work. Between Vancouver Island, in British Columbia, and the State of Washington, connecting the waters of the Pacific with the Gulf of Georgia and Puget Sound, is the Strait of San Juan de Fuca, and at the extremity of this strait is what is known as Neah Bay. It is at this point that we desire to make the improvement which is contemplated in the amendment that I have offered.

Through the waters of the Straits of San Juan de Fuca passes all the commerce from Puget Sound, including a great deal of commerce not only from the State of Washington, but from Montana, from Dakota, from the State of Minnesota, from the State of Wisconsin, and from almost all of the Northern and Northwestern States. Commerce passes through these waters to the Upper Yukon, to St. Michael, to Nome, China, Japan, Australia, and all the ports of the world.

Through this strait passes an immense amount of tonnage. I was interested the other day, in the discussion of this bill, in hearing a statement that on the Ohio River the annual tonnage amounted to about 17,000,000. You will find from the report of the engineers that from 1895 until 1897 there passed through the Straits of Fuca 5,555,072 tons of commerce, and in the next two years—that is, from 1897 to 1899—there passed through these same waters 6,121,717 tons, or an increase of 300,000 tons each year, on an average; and there has passed through last year nearly 6,000,000 tons, so that this is one of the great commercial highways of the world.

All of the tonnage on Puget Sound from Seattle, Tacoma, Everett, Whatcom, and all of the ports along that great body of water must pass through these Straits of Fuca. And not only passes all the commerce of that region of country, but I may say, all of the commerce of the United States practically that goes into that extreme northwestern region to the outside world, passes through these straits.



Now, when vessels are passing along that strait the weather may be fair and favorable at point of departure, and yet when they reach the mouth of the harbor they may find a storm raging. Sailing vessels have no place of refuge to which they can enter under such circumstances. The disasters resulting from this cause from 1874 until 1894, according to the report of the engineers were 108. From 1894 to 1897 there were twenty-odd more, and since that time several others have taken place.

The local engineer at Seattle in his report of December 30, 1899, referring to this matter, uses this language:

The telegraphic communication with Cape Flattery is very frequently broken during the winter, and in that case the condition of the weather at the entrance is not known even when the vessel starts from Port Townsend. As, on account of the high mountain range between Puget Sound and the ocean, the character of the weather on the sound at any time is apt to be a poor guide as to what it may be on the coast. Under the existing conditions, with no safe harbor within many miles, a vessel once at the entrance of the straits will almost invariably put to sea, no matter what the storm may be, and take the chance of clearing land rather than take the long tow back. With steam vessels the same is true, only to a lesser extent, as they make the passage to the entrance in less time and can more readily turn back if they desire to. They also run less risk of being blown on to Vancouver Island in a southwest storm—the prevailing direction of winter storms.

Mr. CUSHMAN. I ask that the time of the gentleman be extended five minutes.

Mr. JONES of Washington. I only want two minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Washington be extended two minutes. Is there objection?

There was no objection.

Mr. JONES of Washington. There are a great many matters that I should like to present, but I will not take the time to do it. I want to say that there are estimates for two projects. One is by the local engineer, costing a little over \$1,111,000. That is the one that my amendment covers. There is another project, recommended by his superior officer, which will cost a little over \$1,800,000.

Now, the amount estimated for by the local engineer is the amount provided for in the amendment. We believe that this House ought to make a provision for this. It ought to be constructed. This commerce is rapidly increasing, not only to the Orient, but to the regions of the north, to the gold-bearing sands of Nome and of the Yukon and all that great country. We believe that for the protection of the sailors who sail these ships, who run these steamers that carry these products, we ought to have this harbor of refuge, into which they can go when the storms rage, or when their ships are disabled and they are threatened with death.

Mr. BURTON. Mr. Chairman, just a word on that. In the first place, it is open to a point of order, because it is a harbor and should have been offered earlier in the bill. I want to say for the gentleman that I really regard it as a very worthy project, probably the most deserving out on the northern Pacific coast; but it is altogether out of the question to undertake an enterprise of that amount of expense at present in addition to the one already included in the bill for the Columbia River, which is an improvement for many years under way, pressed upon us very strenuously, and where there seems necessity for immediate action. I trust the House will vote it down without hesitancy.

The CHAIRMAN (Mr. CAPRON). Did the Chair understand the chairman of the Committee on Rivers and Harbors to make the point of order against this amendment?

Mr. BURTON. The point of order is that it occurs in the wrong place. Harbors come first, and then rivers. This is a harbor, not a river.

The CHAIRMAN. The Chair finds upon examination that the point is well taken, so far as it applies to the pending section. It is not germane to the section of the bill now under discussion.

Mr. JONES of Washington. Mr. Chairman, it certainly is germane to the section of the bill, because the section covers both rivers and harbors. The order in which it comes, it seems to me, ought not to cut any figure, the mere matter of arrangement.

The CHAIRMAN. The Chair hardly thought that the gentleman from Ohio would be likely to insist upon the point of order.

Mr. BURTON. This is the fact, Mr. Chairman: The section is a very long one. We have already been reading 81 pages of one section. I am inclined to waive the point of order and let this be voted on.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. JONES].

The amendment was rejected.

Mr. BURTON. Mr. Chairman, before passing to section 2, unanimous consent has been asked to return to the Patuxent River, the provision for which is found on page 44 of the bill, and which is as follows:

Improving Patuxent River, Maryland, in accordance with the report submitted in House Document No. 170, Fifty-sixth Congress, first session, \$6,000, to be expended upon the lesser project.

Some objections have been made to the appropriation of \$6,000, and I am inclined to think that it does come pretty near the margin. If the gentleman from Maryland [Mr. MUDD] is here, I will

yield to him to make a statement. I want to say before he presents his statement, however, that it is a large river and has some localities bordering upon it where railway facilities are limited. I should like to hear a little more about it.

The CHAIRMAN. Without objection, the provision referred to by the gentleman, on page 44, will be returned to and the Chair will recognize the gentleman from Maryland [Mr. MUDD].

Mr. MUDD. Mr. Chairman, in the absence of any motion I scarcely see any necessity of a statement from me, unless it be desired by the chairman of the committee. I find that the clause in question was passed over at the request of the gentleman from Colorado [Mr. BELL], who does not seem now to be in his seat. I find from his statement that it would appear that the chief objection to this provision comes from a railroad, built, as the gentleman from Colorado said, by some friends of his who have spent about a million and a half dollars in building the railroad.

Now, I had not supposed that the wisdom or propriety of the propositions in this bill would be gauged by their desirability from the standpoint of competing railroads. The gentleman states that he is informed that \$1,000 would pay for all the freight that is carried over that river from the point named. As a matter of fact, I do not know anything about the freight charges or the income of the steamboat company from that source. I have not had an opportunity since the objection was made to investigate that, but I find from the report of the engineer of the War Department that about \$150,000 of commerce, including commerce to and from that point, is carried on that river each year.

The amount of money asked for is only \$6,000. This landing, in front of which there has formed a shoal in the last few years, is the only point from which the farmers of a large section can carry their produce to market, which is Baltimore city. I do not think any further statement is necessary. For my district I have only asked in this whole bill \$11,000, about one-fifteenth of the average appropriations for the districts in this country. It may be that some gentlemen may be surprised that I ask so little [laughter], and therefore think it should go out. The provision is reported by the committee, acting unanimously, so far as I know, and I believe it involves as much of merit and modesty combined as any provision in this whole bill.

Mr. BURTON. If no motion is made to strike it out it will remain in the bill, and no further proceeding is necessary. Objection was made by the gentleman from Colorado [Mr. BELL], not, I think, that he had any personal interest in it whatever, but that some acquaintances wrote him a note, and he brought it to the attention of the committee. I want to say that the traffic does not show as very great, but we regarded it as sufficient to justify this appropriation. If it should not increase in the next year or two, I question whether Congress ought to appropriate for it in the next bill.

The Clerk read as follows:

SEC. 3. That there shall be organized in the Office of the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers, a board of 5 engineer officers, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement heretofore or hereafter provided for. And the board shall submit to the Chief of Engineers recommendations upon the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work and propriety of its construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have heretofore been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examinations of localities. And all facts and information and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the Office of the Chief of Engineers. It shall further be the duty of said board, upon a request transmitted to the Chief of Engineers by the Committee on Rivers and Harbors of the House of Representatives, or the Committee on Commerce of the Senate, in the same manner to examine and report through the Chief of Engineers upon any projects heretofore adopted by the Government or upon which appropriations have been made, and report upon the desirability of continuing the same or upon any modifications thereof which may be deemed desirable.

Mr. UNDERWOOD. I reserve the point of order on that paragraph, and I should like to ask the gentleman from Ohio if that is not new legislation?

Mr. BURTON. Yes; but we have absolute authority to put that here in our bill. We have done that every year in some form or other.

Mr. UNDERWOOD. Does not this provide for a new commission?

Mr. BURTON. It provides for a new commission in one sense; not, however, imposing an additional expense on the Government directly.



Mr. UNDERWOOD. But it creates a new office.

Mr. BURTON. It does in this sense. It assigns officers of the engineers to duties not performed before, but does not create a new office.

Mr. UNDERWOOD. It creates a new office for the engineer officers to occupy, or assigns them new duties, which is the same.

Mr. BURTON. You can hardly say that with correctness, for all now have to pass upon the advisability of projects. Now, that question of advisability is vested in a central board of five, rather than to all those engineers scattered over all the country. I regard it as a measure absolutely essential to the proper conduct of the service.

Mr. UNDERWOOD. I reserved the point of order. I do not know whether I will make it—

The CHAIRMAN. What is the gentleman's point of order?

Mr. UNDERWOOD. That it is new legislation in the bill.

The CHAIRMAN. The Chair will state to the gentleman that that point will not lie to a river and harbor bill. There is a distinction made between a general appropriation bill and the river and harbor bill. Under the rules any new legislation is obnoxious to the point of order raised by the gentleman; but that does not apply to a river and harbor appropriation bill.

Mr. UNDERWOOD. It is not germane to the legislation, Mr. Chairman; but reserve the point for the present. I wish to ask the gentleman a question. I do not know that I care to raise the point, but I think it is an important matter. In other words, as I understand this legislation, heretofore when a member of Congress desired to have an appropriation made for his district he had the right to go before the River and Harbor Committee, composed of his colleagues, and present his claim, ask for a hearing and ask for his appropriation. Now, I want to know how far this proposed legislation takes that right away from this House?

Mr. BURTON. Oh, not at all. Really the same right would exist. The River and Harbor Committee can include in their bill any project for which there is an estimate, whether there is a recommendation or not. It would tend, though, to bring a larger amount of information before that committee. It would tend especially—and that is the real object of this section—to establish some uniform standard for making recommendations. As I said in my introductory remarks, sometimes one engineer will take up a project that will cost \$200,000 and he will recommend it in glowing terms. Another, of more conservative mental type, would take another project, where one-fourth or one-fifth of the expenditure—say forty or fifty thousand dollars—would be clearly of greater benefit to the commerce of the country, but he will make a report against it—an adverse recommendation.

Now, that has continued so long that there was absolute confusion in the reports. Persons familiar with the work of the River and Harbor Committee for several years have come to have a certain judgment of the value of the reports of the respective engineers. Colonel so and so, they feel assured, will make a conservative report; lieutenant-colonel so and so, will report strongly in favor of a project; but we ought not to be asked to detect the different standards upon which they judge. It seems to us if he is sitting here in touch with his colleagues, and also in touch with all the improvements of the country, and not with detached projects, it would result in a very great advantage.

Mr. UNDERWOOD. Is it proposed in this amendment to follow their judgment—

Mr. BURTON. Oh, it is not proposed to follow their judgment absolutely.

Mr. UNDERWOOD. Will it be necessary for a member of Congress desiring an appropriation to go to that board?

Mr. BURTON. No.

Mr. UNDERWOOD. The judgment of the board will only be a guide to the committee?

Mr. BURTON. I will give the gentleman a statement which will make it more clear, perhaps. In the Treasury Department the Light-House Board makes reports as to aids to navigation, classifying them as "desirable," "necessary," and "indispensable." We did not think it best to go that far in regard to these recommendations, but we do hope for more uniformity and ampler information.

Mr. UNDERWOOD. The idea is to have a general central board which shall pass on these matters as a guide for the committee?

Mr. BURTON. As a guide, and not controlling it.

Mr. UNDERWOOD. I withdraw the point of order, Mr. Chairman.

Mr. CUSHMAN. Mr. Chairman, I desire at this point to submit an interrogatory to the chairman of the Committee on Rivers and Harbors. I find on page 83, line 9, this language:

The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examination of localities.

As I understand the law now, no member of this House can procure an examination by the Chief of Engineers of any project in

any locality without first getting a joint resolution through the House authorizing that examination to be made. Am I correct?

Mr. BURTON. Yes.

Mr. CUSHMAN. Now, this bill proceeds, among other things, to provide that a member of the House instead of presenting the matter first to the House and getting a joint resolution through providing for an examination can go to this board. Is that correct?

Mr. BURTON. No; it does not make any such change as that. The gentleman should read the whole section. It means that the board is to perform two classes of duty in the way of making an examination. One is, they shall review reports sent to them from the local engineers. These examinations will not be made by the local engineers without the direction of Congress embodied in a joint resolution or other form. It will not be possible under this act for a member to go before this board and ask them to make a preliminary examination for this or that locality.

But there is another class of examinations upon the board, namely, to review those already on the list, either at the request of the Committee on Rivers and Harbors of the House or the Committee on Commerce of the Senate, or, I take it, on the initiative of the Chief of Engineers. I want to say that the committee are of the decided opinion that we have some projects on the list that will bear review, and we think they should be examined by the board. This provision has in view the personal examination by the whole board, if they find the question presented to them conflicting in its nature, or they may send one member of their board or send an inspector; but it does not change the law in regard to the modus operandi of starting a preliminary examination and survey. It will be noticed that this board is appointed by and acts for the Chief of Engineers.

Mr. CUSHMAN. That will require a joint resolution?

Mr. BURTON. A resolution, a bill, or something of that kind.

Mr. CUSHMAN. Mr. Chairman, I desire to submit the following amendment.

The Clerk read as follows:

Strike out all of section 3 in this bill.

Mr. CUSHMAN. Mr. Chairman, I offer this amendment more for the purpose of hearing from the chairman of this committee than as evidencing any especial hostility to this provision of this bill. I have read section 3 of the bill several times, and I am unable to understand that this section contains any meritorious features over the system which is now in vogue. For instance, at the present time it is necessary to procure the passage of a joint resolution in order to have a preliminary survey made.

Now, all the local engineers at the present time are under one chief, and he has his various assistants located in different parts of the United States where improvements may be in process of completion or may be contemplated. Now, then, I can not see any advantage to be gained in subdividing the responsibility by the creation of a new board of five members, whose duties, as I understand the section, will be practically the same as that of the local engineers now located in the different parts of the United States. For instance, the engineer located on the Pacific coast makes a recommendation of a certain project, and that is submitted to the Chief Engineer for his action. If this board is created by this act, the board will simply do the same act that is now performed by the local engineer, for he would make the report and submit it to the Chief of Engineers, and the Chief of Engineers would finally pass judgment on that. In other words, I am unable to see wherein we would gain any advantage by the creation of a new board, merely to make additional reports that have no binding force. In fact, it seems to me it would tend to add to the confusion which is now complained of.

At the present time the Chief of Engineers must finally pass on all the reports of the local engineer, and, from the language of this section, it appears that the Chief of Engineers would still be called upon to pass upon the recommendation of the board if it shall be created. I am utterly unable to see from reading the section wherein we would gain any advantage, except by creating a new board and dividing the responsibility. I would like to hear from the chairman of the committee.

Mr. BURTON. I have gone into that subject quite fully. The same inquiry might be made in reference to the judges scattered all over the United States.

Why not make the decision of a judge in southern California for instance final; why not do away with the circuit court of appeals and the Supreme Court? I might ask, why not take into account the further fact that one officer will decide one way and another another; that one in southern California or Oregon or Washington will have one standard and another in Massachusetts or Maine or Georgia will have an entirely different standard? In practice this is the very worst defect of the system. One engineer will proceed as if he were a member of the community—identified with it, as he should be to a certain extent—having all the partialities of a resident in that part of the country, and who thus may be as much



interested in the improvement of the harbor as would be a large owner of real estate in that locality.

Another officer will stand up straight and say, "I represent the Government of the United States. I am not going to allow any extravagant improvements, or any improvement which does not conform to a very conservative standard; to go through with my recommendation." Thus there come up from all these engineers all over the country a variety of reports, so that absolute chaos is created by a lack of uniformity among them. The most casual reader can see that A, B, C, D, and E, down to the end of the alphabet, are acting in accordance with different standards. In a measure the committee can correct this, but only partially, because we can inspect only a few of these localities, and even with the most carefully prepared reports before us we can not tell which should be followed and which should not.

Now, this appellate court (for that is what it is), this general court, will be in touch, not with one particular locality, but with all localities. It will recognize that not all these projects can be adopted, that some must no doubt be excluded. It can tell what report will be helpful to the committee, what report will tend to exclude that class of projects whose exclusion will make it possible to pass a judicious river and harbor bill and keep our appropriations within reason.

I now yield to the gentleman from Washington [Mr. CUSHMAN] for a question.

Mr. CUSHMAN. Mr. Chairman, I merely desired to say that, as I understand this proposition, the hypothetical case as stated by the chairman in making his comparison between the various judges of the United States and the board to be created by this bill is not a proper comparison, for the decision of a judge is to a certain extent final, while the decision of this board sought to be created would not in any sense be final or in any sense binding on the River and Harbor Committee. For instance, when the local engineer makes his report, that is not final; when this board, if it should be created, makes its decision and report, that would not be final; when the Chief of Engineers reviews the report of the board and makes his report, that would not be final. The River and Harbor Committee would then adopt or reject any or all of these recommendations, just as it does now.

In other words, the creation of this new board, as I understand, will not make any of the reports final, but will simply create an additional channel through which all these various projects must go, and that, I contend, will be apt to create confusion and not to produce harmony. The gentleman from Ohio [Mr. BURTON] objects to the present condition of affairs because there is lack of harmony in the reports which are now made. This he proposes to remedy by appointing more officials to make more reports.

Mr. BURTON. I really do not see the interrogation in the gentleman's interruption [laughter]; but the action of the Engineer Department should be as nearly as possible similar to the action of a court. I now yield to the gentleman from Utah [Mr. KING] for a question.

Mr. KING. The gentleman from Washington has anticipated in the interrogatory which he submitted to the chairman what I was going to say. After all, it finally rests with the committee to determine what appropriations shall be made.

Mr. BURTON. But the committee desires to have before it the best possible information. It does not wish to omit any possible means of obtaining information which is accurate and well prepared. It desires recommendations based upon the facts brought before the engineers, which shall guide it in deciding upon works for improvement and enable it to decide judiciously. No doubt we go very largely on the report of the engineers. The trouble is now that upon estimates of \$300,000,000 we have to select projects costing less than \$60,000,000.

The question being taken on the amendment of Mr. CUSHMAN, it was rejected.

Mr. BELL. Mr. Chairman, I understand from members here that a motion which I made the other day—

Mr. KING. I rise to a parliamentary inquiry. The whole of this section, section 3, has not been read, I understand.

The CHAIRMAN. It has not.

Mr. KING. And a point of order would be permissible at the conclusion of the reading?

The CHAIRMAN. It would be. The Clerk will continue the reading.

Mr. BELL. Wait a moment.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BELL. I have a purpose which I will state if the Chair will allow me. When page 44 of the bill was reached the other day I rose to make a motion to strike out the paragraph. The chairman of the committee asked me whether I would not pass that matter over and call it up later.

Mr. BURTON. No; the gentleman, I think, is in error in regard to the statement made by me. I myself asked unanimous consent that that be passed over until the end of the section was reached. Promptly when the close of the section was reached

and its consideration concluded I asked to have the matter brought up again.

Mr. BELL. You asked to have it put off on my motion, and when I was opposing it; and yet you bring it up in my absence. The matter was taken up when I was temporarily absent from the Hall and was concluded, although on my own suggestion it was passed over.

Mr. BURTON. Of course the gentleman will recognize the fact that it would be impossible, in the very nature of things, for the chairman of a committee having a bill of this kind in charge to take cognizance not only of all matters connected with the conduct of the bill upon the floor, but to make himself aware of the movements of gentlemen, as to whether they are absent or present upon the floor during the discussion or consideration.

Mr. BELL. I have been here every minute during the consideration of this bill, excepting for a single moment or two when I was absent for a hasty lunch.

Mr. BURTON. I do not see that the chairman of the committee is responsible, of course, for the absence of the gentleman.

Mr. BELL. But I understood you to make a positive agreement that this should go over until the end of the reading, as an accommodation to me, because of information that I had which I desired to lay before the committee.

Mr. BURTON. The gentleman, of course, is kind to himself in his statement.

Mr. BELL. I am only stating what actually took place.

Mr. BURTON. I believe I have the floor now.

Mr. BELL. No; I have the floor.

Mr. BURTON. I was only going to say to the gentleman that I shall not object to going back, if it be the wish of the committee, and take up this matter again. I think, however, that we ought to finish it promptly and have done with it. The gentleman from Maryland [Mr. MUDD] I see is present—

Mr. BELL. I think you should have waited, before disposing of the matter, until I came in—

Mr. BURTON. Oh, well, I have stated to the gentleman that I can not stand responsible for his absences.

Mr. BELL (continuing). Especially as the matter went over on my objection.

Mr. BURTON. If I am in error as to the exact form in which the consent was obtained, I am willing that the gentleman may correct me. My recollection is that the matter was postponed, and distinctly understood to be postponed, until the conclusion of the reading of the first section. Now, when the matter had been concluded as far as the reading was concerned, it certainly was not the duty of the chairman of the committee to investigate and find whether the gentleman was present in his seat or not. The matter was called up and disposed of in its regular order. But as I have said, I do not object to recurring to it again, if it be so desired.

Mr. BELL. In the first place, this matter was passed over on my objection. In the second place, it was passed over with the understanding that we would recur to it at a certain time. It was passed at the request of the gentleman from Ohio that I might call it up in the future. In my absence, the gentleman called it up himself. Now, I am prepared to give him some information on the subject, and I am prepared to show that it is an absolute absurdity to make this appropriation; that the conditions have entirely changed since the report of the engineer was made; and I say that it is unfair for the chairman to allow those interested in promoting this project to take advantage of the few minutes that I was absent and bring it up. I do not think that I had reason to expect such treatment on the part of the chairman—

Mr. BURTON. Mr. Chairman, I am compelled to call the gentleman to order. I do not object, as I have said, to a simple motion to recur to the matter, or unanimous consent to recur to it, but I do object to criticisms which I regard as unfounded and unwarranted. Now, if the gentleman wants to recur to the section I have no possible objection, but if, instead of making a request to do that in an orderly and parliamentary manner, he chooses to go on and allege unfairness on the part of the chairman of the committee—

The CHAIRMAN. The Chair will state that this discussion is only proceeding by unanimous consent, and is entirely out of order. If there is no motion made, the Chair will direct the Clerk to proceed with the reading.

Mr. BELL. Well, while I know that gentlemen have heard this matter in my absence, although I had made the objection to it, I ask unanimous consent to recur to the passage on page 44 of the bill, beginning with line 15.

Mr. BURTON. I will not object to recurring to the passage, although I do not think the statement of the gentleman entitles him to that indulgence.

Mr. BELL. Well, the gentleman from Colorado thinks it does.

Mr. MUDD. If I may be allowed a single moment, I apprehend that this matter was held over the other day partly out of courtesy



to myself, I being a member from the district in which this river lies—

The CHAIRMAN. This is all out of order. The Chair will submit the question.

Mr. MUDD (continuing). And I am somewhat surprised at criticisms of this character coming from members 2,000 miles away.

The CHAIRMAN. The Chair will submit the request for unanimous consent. Is there objection to recurring to the paragraph referred to by the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

Improving Patuxent River, Maryland, in accordance with the report submitted in House Document No. 170, Fifty-sixth Congress, first session, \$6,000, to be expended upon the lesser project.

Mr. BELL. Now, Mr. Chairman, I want a little time to state the condition of this.

The CHAIRMAN. The gentleman is out of order.

Mr. BELL. How is that?

The CHAIRMAN. There is no motion pending before the committee.

Mr. BELL. The motion I made the other day, as I understood it, was to strike out this paragraph, and it was passed over. That is the motion I rose to make.

The CHAIRMAN. The Chair will state that that was not formally made.

Mr. BELL. I make the motion now. I rose to make it, and we passed it at the request of the chairman.

The CHAIRMAN. The Clerk will report the gentleman's motion.

The Clerk read as follows:

Strike out all of lines 15 to 18, inclusive, on page 44.

Mr. BELL. Mr. Chairman, in the first place the commerce of this river, at the point where the dredging is to be, was practically nothing in the beginning. The men running the steamboat claim that there was about \$75,000 worth of stuff moved out and in annually. Now, that was at a time when they had no other transportation whatever. Subsequently this Chesapeake Beach Railroad was built in over the same line, crossing the stream one-eighth of a mile below this point. As I understand, this railroad took what little commerce they did have on the river, and since the changed condition there is practically none. I overheard a conversation here the other morning of a gentleman from Detroit with one of the officers of the company, and asked the officer of the company to write me about the facts in the case. He wrote me here saying that the commerce at that point is not a thousand dollars a year at this time.

Mr. MUDD. Will the gentleman allow me?

Mr. BELL. Yes.

Mr. MUDD. I should like to ask who wrote this letter?

Mr. BELL. It was written by the president of this railroad company. I am going to make a complete admission. The railroad company is opposed to this; but that is no reason why a bad scheme should go through, that a railroad company is opposed to it. The only opposition of the railroad company is that it would require them to keep a drawbridge there in order to allow the boats to go an eighth of a mile.

The report of the Government engineer shows that it is a ridiculous proposition. It shows, in the first place, that in 1899, when this was arranged for, the commerce going out of there was only about \$75,000 a year and that coming in was about \$75,000 a year. Here it is, and I will be glad to give the information to anybody. Since that time this railroad has come in there and has taken what little they had. Now, I say, if this road had not gone in there they ought to have this, probably; but the road going in has naturally taken what little commerce they had. The people are accommodated, anyway, and it seems to me ridiculous that they should dredge this channel. They dredged it in 1899. It has filled up since, and these railroad men say they never can keep it dredged. It is only claimed that the steamboat goes in there once a week now.

Mr. DAVIDSON. Will the gentleman permit a question?

Mr. BELL. Yes.

Mr. DAVIDSON. Is this a navigable stream?

Mr. BELL. Yes; and the point that they want to dredge is at the upper end, where it is claimed they have no commerce of any consequence.

Mr. DAVIDSON. What right has the railroad company to put a stationary bridge there?

Mr. BELL. It has no right at all. I say the railroad is not entitled to any consideration, and the mere fact that the railroad is opposed to it or that it will injure the railroad is not important; but the fact that that railroad has come in here and taken what little traffic there was, and accommodates those people, makes it a foolish expenditure. If they had not the railroad there I would say "Give them what they ask," but as they have got a railroad

it seems to me to be unnecessary. I have the report of the engineer upon which the original recommendation was made.

The engineer refers to the statement of the president of the Weems Steamboat Company, of Baltimore, who says:

The number of passengers a year to and from Bristol is about 1,200. The business done at that point is quite large; for 5 or 6 miles around the people have all of their supplies landed at this place and ship all of their crops, etc., from here. The business is mostly done from Baltimore, and I suppose that the value of the goods landed there, which consists of groceries, dry goods, and other articles usually consumed through the country, is fully \$75,000. The shipments consist of tobacco, corn, wheat, poultry, eggs, fruit, and other commodities produced in this section of the country. I estimate the value of them at \$75,000 at least.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. BELL. I ask unanimous consent that the letter which I gave to the chairman of the committee may be read. I have no interest in this. I gave the chairman all the information I had.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. I ask unanimous consent that the time be extended to allow that letter to be read.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

WASHINGTON, D. C., January 9, 1901.

MY DEAR JUDGE: Referring to my conversation with you this morning at the Capitol, during which I promised to write you the facts in connection with the paragraph in the river and harbor bill which is objectionable to me, I now desire to state that this paragraph covers an appropriation of \$5,000 for deepening the channel of Patuxent River to Pig Point Landing, one-eighth of a mile above the bridge on which our railroad crosses the river.

The object of this appropriation was simply to afford access by the Weems Line steamer to this landing. For your information I will state that the steamer only lands at this point once a week, and the entire gross amount carried in and out by same will not exceed \$1,000 for the entire year.

Little was accomplished in the way of making this part of Patuxent River accessible the first time such an appropriation was made, and the same amount will have to be expended every year or so to give a very small amount of traffic an outlet by water, as the river here is little more than a mud hole and fills in very rapidly.

However, since the first appropriation was made, in order to give the people in the neighborhood of Pig Point a connection with Baltimore, etc., we have expended one and a half million dollars in completing a railroad from Washington, D. C., to Chesapeake Beach, Md., with a direct connection with Baltimore through the Baltimore and Ohio Railroad. Our line of road crosses Patuxent River just one-eighth of a mile below Pig Point. We have a regular station at this place, and are prepared to accept both the freight and passenger business at rates as low as those in effect by the steamer, and can give a quicker and more satisfactory inlet and outlet to all traffic which would otherwise go to Pig Point Landing by boat.

We do not object to steamboat competition, but we do object to having to keep a man in charge of drawbridge and keep draw in operation at a very great expense in order to afford access to this point, just one-eighth of a mile away, by steamer once a week.

This appropriation is a waste of money to the Government and is unnecessary as a means of serving the people, as the traffic is naturally falling into our hands owing to the facilities we are able to offer by a daily connection with Washington and Baltimore. The appropriation is also unfair to us in that we are forced to expend this large amount of money in keeping draw in order and a man in charge.

Trusting that you may be able to have the limit of the appropriation extend to our bridge only and not above, or cut out entirely,

I am, yours, very respectfully,

OTTO MEARS, President.

HON. JOHN C. BELL,  
House of Representatives, Washington, D. C.

Mr. MUDD. Mr. Chairman, I should like to be recognized in opposition to the amendment offered by the gentleman from Colorado.

In the first place, I desire to call the attention of the committee to the fact that the gentleman has not fairly and accurately stated to the committee the contents of the report from which he undertook to read, as to the commerce of this place, which forms the subject-matter of the present controversy.

The information which I have before me, and which the gentleman had before him, came, it is true, from the president of the steamboat company, but it is adopted by the Engineer Department of the Government as being reliable, as I submit that it is, and it states the incoming commerce of that point to be \$75,000 and the outgoing to be \$75,000, which, I take it, it will be conceded even by the gentleman from Colorado, amounts when taken together to \$150,000, which is a very different showing as to the commerce of this river at this landing of Bristol than that which is represented by the gentleman.

Mr. BELL. That is what I stated.

Mr. MUDD. Now, Mr. Chairman, I admit that that is not a very great amount of commerce. I admit that this is not a very wealthy section of country, but there are a great many people in this locality who are dependent upon this place for shipment to the only market which they have, which is Baltimore city, of all the crops they produce, and all the things they have to sell to gain their livelihood.

The gentleman has made a statement that the railroad company, since its construction across that river, has taken away nearly all of the business that had formerly been given to the steamer.



This is entirely erroneous. The market for these people is Baltimore City. None of their produce comes to Washington; they do not want it to come to Washington, and it does not suit them to send it here, and the railroad furnishes no adequate or practical method of transportation to Baltimore city.

Now, the gentleman somewhat surprises me, as I am sure he does the House, when he comes here and asks this committee to refuse an appropriation unanimously recommended by the Committee on Rivers and Harbors for the small sum of \$6,000 to promote and to continue navigation, to supply the needs of a large rural section, because a railroad corporation asks him to save to it the expense of hiring a man to keep the drawbridge on the river. It is refreshing, indeed, to find this gentleman here, thousands of miles away from his own home, where he appears in a very different light, posing as the apologist and defender of railroad companies as against the interests of the people.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. MUDD. Yes, if it does not take too much of my time.

Mr. SHATTUC. May I ask the gentleman if the gentleman who wrote him is not his constituent?

Mr. MUDD. I understand that the gentleman says that the money comes from his State.

Mr. SHATTUC. Do you not represent your constituents?

Mr. MUDD. I try to do so, and have been hoping that I was doing it fairly well.

Mr. SHATTUC. That is what this gentleman is doing.

Mr. MUDD. I think I can represent the gentleman's constituents about as well as he can mine, and my own constituents somewhat better than he can.

I understand the gentleman frankly states that the money to build this railroad comes from his State. Evidently the gentleman here in Washington, a great distance away from his own bailiwick, against the interests of these people down in Calvert and Anne Arundel counties, in Maryland, is willing to set up the claim of a few dollars of expense to the railroad company. It is evident that the gentleman here in Washington City is even willing to give some tolerance to the doctrine that we have heard berated in another form and in another field of discussion, with which he is familiar, of "putting the dollar before the man."

If it is true that the railroad company is dividing the traffic of this section—and no one can pretend it is doing more than that—then it may be fairly conceded that it is producing competition, which the people of that section ought to profit by. I do not apprehend that the gentleman from Colorado will want to stand up here and place himself in the category of opposing competition and of being the especial representative and champion of monopolies and trusts. I do not think, at least, that he wants to bear that reputation at home, whatever he may be willing to do as to my district here in the State of Maryland, several thousand miles away from his home.

Now, Mr. Chairman, I want to say that the president of this railroad company is my friend, as much so, perhaps, as he is that of the gentleman from Colorado, and I am anxious to help him in any way that I can. The president of the steamboat company, on the other hand, is not my friend, certainly not in a political sense, and not in any particular manner in any other sense that I am aware of; but I submit to the gentleman from Colorado that the mere matter of a friendship between two men is not exactly a fair standard of conduct or a justifiable motive to guide us in acting upon matters affecting the public interests here in Congress. At least, I am not willing to be guided by any such considerations.

Now, the facts in this case, so far as I know them, are simply these: Quite a number of people—people of moderate means mostly—living over a considerable extent of territory, want this appropriation—a modest and meritorious appropriation—to enable them to carry on with facility the traffic which means so much to them, with the chief commercial city of our State; and I take it that the fair-minded members of this body will not allow the question of a drawbridge of a competing railroad to stand in the way of their receiving their just dues in the matter of such provisions as it is the purpose of this bill to make.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. BELL. Division.

The committee divided; and there were—ayes 9, noes 88.

So the amendment was rejected.

The Clerk read as follows:

The board shall have authority, with the approval of the Chief of Engineers, to rent quarters, if necessary, for the proper transaction of its business, and to employ such civil employees as may, in the opinion of the Chief of Engineers, be required for properly transacting the business assigned to it, and the necessary expenses of the board shall be paid from allotments made by the Chief of Engineers from any appropriations made by Congress for the work or works to which the duties of the board pertain.

Mr. KING. Mr. Chairman, I make the point of order against section 3, upon the ground that it contains legislation which is not germane to the bill, and such provisions as do not come properly within the province of the Committee on Rivers and Harbors. By reference to the rules of the House—Rule XI—I find that the powers and duties of this committee relate to the improvement of rivers and harbors.

I also find in the same rule that a committee of this House is created, known as the Committee on Levees and Improvements of the Mississippi River. This proposed legislation, Mr. Chairman, goes further than a mere provision for the improvement of rivers and harbors, and certainly is objectionable, because it infringes upon the duties, powers, and privileges of the Committee on Levees and Improvements of the Mississippi River. With this legislation embodied—

Mr. BURTON. I hope the gentleman will permit me to interrupt him. How does it infringe on the powers and privileges of the Committee on the Levees and Improvements of the Mississippi River? How is it to confer additional powers on the War Department or give to this committee powers that belong to the Committee on Levees and Improvements of the Mississippi River? In what section or what paragraph?

Mr. KING. The gentleman does not apprehend the point which I am attempting to make; perhaps it is owing to my inability to state it clearly. The point I attempted to make is this: That section 3 is not germane to the bill and trenches upon the prerogatives of another committee. If the legislation which is proposed shall be enacted, it will infringe upon the powers and duties of the Committee on the Levees of the Mississippi River. This section proposes to create a new board, which would possess such duties and authority as to deprive the Committee on Levees of powers which it now exercises.

The Committee on Levees of the Mississippi River does not have a board of supervision and revision over it and which submits reports with reference to rivers and harbors in the country for its guidance. Here is a board to be constituted which will supervise the reports made with reference to the Mississippi River, and to that extent, it seems to me, it would be infringing on the powers of that committee. That committee would then, if this board is established, be more or less limited by that body.

This is an attempt to create a new board in an appropriation bill instead of legislating with reference to rivers and harbors. Of course no one denies the power of Congress to legislate as to wipe out a committee. An independent bill could deal with this question, and no objection could be made that it created a board which destroyed the powers of any House committee. But here is a committee, charged with a special duty, which seeks to create a board to supervise another committee.

Passing the question raised by the point of order, I desire to frankly confess that there is merit in the proposed measure. My principal reason in suggesting the point of order is for the purpose of inviting the attention of members to the unwise system prevailing in reference to the control of rivers and harbors. I am not opposed to reasonable expenditures in behalf of rivers and harbors clearly national and necessary for Federal commerce as distinguished from local commerce.

But I am opposed to the manner in which appropriations such as those contained in this bill are made. There is a growing disposition upon the part of the public to regard the National Government as a fit subject for exploitation and the Federal Treasury as the common property of all. Accordingly, the people are insistent upon governmental aid for purely private and local concerns.

They often demand that their Representatives in Congress shall secure appropriations for these local and special interests, and "statesmanship" of members is by these same people measured by their success in exploiting the Government for projects and measures against which the Constitution stands as a bulwark.

Is it to be wondered at, under these conditions, that river and harbor bills are so "fearfully and wonderfully made?" It is not to be doubted that each Congressional district has a creek or river or inlet or harbor. It is easy to believe that competition in the matter of transportation will cheapen traffic rates, and it is not difficult to show that an appropriation by the Government will make a stream larger and a harbor deeper, thus encouraging water transportation and so developing commerce. And so we have the engineers reporting that \$300,000,000 could be profitably spent now for the improvement of rivers and harbors.

Mr. Chairman, the system is wrong. Members should not be called upon to spend their time endeavoring to secure an appropriation for some creek in their districts.

If this Government is to appropriate for rivers and harbors in the aid of interstate commerce, then there should be some broad and comprehensive system adopted.

The unwisdom of the present policy is apparent in the pending measure. Competent engineers of the Army recommend \$300,000,000. The committee can not report a measure embracing so



large an amount. So the engineers' estimates and reports are ignored, and reductions are made here and changes there until the bill is reduced to \$60,000,000.

This system, it is thought by some, results in "logrolling" and combinations between sections and members. And sometimes charges are made that particular sections or persons are favored. In the discussion of this very bill a distinguished member charged that most of the \$60,000,000 carried by the bill goes to the States represented by the members of the committee. Unfairness is sometimes charged under this policy, and crimination and recrimination indulged in. The effect is demoralizing. The whole question should be placed upon a higher plane.

Mr. Chairman, I confess that I have no superior knowledge upon this subject, but it has occurred to me that it would be far better if a board of eminent engineers were created, to whom this entire matter could be intrusted.

Surround the board with reasonable limitations, and empower them to determine when and how the money appropriated by Congress for the improvement of harbors and great waterways of commerce should be expended.

This board would not be responsible to local constituencies. They would see the national requirements and devise an harmonious and systematic governmental plan of development.

Mr. BURTON. I think it is hardly necessary for me, Mr. Chairman, to answer at any length the remarks made on the point of order. The gentleman from Utah is grieved at heart about the criminations and recriminations uttered upon this bill, and thinks that if something else had been done these utterances might have been saved. I want to say to the gentleman that he will find that the amount of crimination and recrimination will be greatest in proportion as the bill is a good one, and as schemes and projects which are unworthy have been excluded from it.

Mr. GROSVENOR. If the gentleman from Ohio will pardon me, I want to say that members need not be anxious about the debate on this bill. If they will go back eight or twelve years ago and read the debates in Congress, they will discover that the debates on this bill have been in the nature of a zephyr as compared with the cyclone which used to sweep over the House when this bill was before it. [Laughter.]

Mr. BURTON. Now, Mr. Chairman, this is not a general appropriation bill, and it is not an appropriation bill proper. This river and harbor bill for the last twelve years has included appropriations for the modification of bridges, for the disposal of wrecks in navigable waters, providing penalties for putting obstructions in canals, and providing penalties for the discharge of refuse into navigable channels; and a great variety of criminal and civil jurisprudence pertaining to rivers and harbors has grown up from the river and harbor bill. In the general statutes of the United States can be found numerous sections derived from these successive acts. We have also included in every bill regulations for the proper management of river and harbor improvement, for the making of surveys, and these regulations have been changed from time to time. I can not say that this point has never been raised before, but certainly it never has been raised successfully, for the uniform decisions have been that this class of provisions is germane to this bill.

The CHAIRMAN. The Chair will state that the rule with reference to appropriations that there shall be no new legislation does not apply to the river and harbor bill, and has been so decided again and again by gentlemen who have presided at the time the bill was considered in Committee of the Whole. The Chair thinks, also, that the section against which the point of order has been made does not infringe upon any of the rights of the Committee on Levees and Improvements of the Mississippi River. At the time of the revision of the rules, in 1880, it was sought to give this committee on the levees the authority that is now claimed by it by the gentleman from Utah, but by an express vote of the House the authority was denied the committee, and, inferentially, was given to the Committee on Rivers and Harbors. The Chair thinks the provision against which the point of order has been made is in harmony with the general objects and purposes of the bill, that it is within the jurisdiction of the Committee on Rivers and Harbors, and, therefore, overrules the point of order.

The Clerk read as follows:

SEC. 4. That the President of the United States is authorized, by diplomatic negotiations or otherwise, to enter into such agreements as will secure as far as possible the maintenance of suitable levels in the Great Lakes and connecting waters between the United States and Canada.

Mr. BURTON. I move to amend by substituting for the section just read that which I send to the desk. The provision in the amendment is based upon one which has already passed the Senate and has received careful consideration from the Committee on Foreign Affairs of this House. The Committee regards the provision which I now offer as an improvement on the briefer section which was first included in the bill. While the section as read may be sufficient, the substitute is more ample and comprehensive.

The amendment offered by Mr. BURTON was read, as follows:

Strike out section 4 and insert in lieu thereof the following:

"SEC. 4. That the President of the United States be, and he is hereby, authorized to invite the Government of Great Britain to join in the formation of an international commission, to be composed of three members from each country, whose duty it shall be from time to time to report upon the conditions and uses of the waters adjacent to the boundary line between the United States and Canada, including all the waters of the lakes and rivers whose waters flow by the river St. Lawrence to the Atlantic Ocean; also upon the maintenance and regulation of suitable levels, and also upon the effect upon the shores of these waters and the structures thereon, and upon the interests of navigation by reason of their diversion from their natural flow; and further to report upon the necessary measures to regulate such diversions, and further to enter into such agreements and make such recommendations for improvements as shall best subserve the interests of navigation in said waters.

"The President is authorized to appoint the United States members of such commission, and said commission is authorized to employ such surveyors, experts, and other persons as it may deem needful in the performance of the duties hereby imposed.

"And for the purpose of said commission the Secretary of War is authorized to expend from the amounts heretofore appropriated for securing a 20-foot channel in the connecting waters of the Great Lakes between Buffalo and Duluth and Chicago the sum of \$20,000, or so much thereof as may be necessary to pay the portion of the expenses of said commission chargeable to the United States, including compensation for said commissioners representing the United States, and of surveyors, experts, and other necessary services."

Mr. CORLISS. Mr. Chairman, I regard the proposed substitute as the most valuable and beneficial provision for the commercial interests of our country of any in the bill. I hope it will be adopted.

[Mr. SCUDDER addressed the committee. See Appendix.]

The question being taken, the amendment of Mr. BURTON was adopted.

The Clerk read as follows:

SEC. 5. That when any property which has been heretofore, or may be hereafter, purchased or acquired for the improvement of rivers and harbors is no longer needed, or is no longer serviceable, it may be sold in such manner as the Secretary of War may direct and the proceeds credited to the appropriation for the work for which it was purchased or acquired; and the Secretary of War may direct the transfer of any property employed in river and harbor works, and in such event the property so transferred shall be valued and credited to the project upon which it was heretofore used and charged to the project to which it shall be transferred. The Secretary may also direct a temporary transfer of any property employed in the improvement of rivers and harbors whenever, in his judgment, such transfer would secure efficient or economical results, and such adjustment in the way of charges and credits shall be made between the projects affected as may be equitable.

Mr. CORLISS. Mr. Chairman, I desire to offer the amendment which I send to the desk. I will say to the chairman of the committee that I doubt whether this amendment should go upon the pending section; but it seems to me it ought to go into the bill.

The Clerk read as follows:

Add to section 5, line 5, on page 85, the following:

"That all persons hereafter employed by the United States or by any contractor or subcontractor, under and by virtue of the authority hereby granted and appropriations hereby made, shall be bona fide residents or citizens of the United States; and all contracts or subcontracts made for the expenditure of the moneys hereby appropriated shall expressly prohibit the employment of nonresident foreigners in the execution of said public improvements. A violation of said provision by any contractor or subcontractor shall render such contract or subcontract null and void."

Mr. BURTON. I rise to a point of order. In the first place, the amendment is not germane to this section; I query whether it is germane to the bill.

Mr. CORLISS. Mr. Chairman, it seems to me that this is a very important proposition. A very large proportion of the labor for which money is expended upon the lakes and rivers under contract is performed by alien laborers—persons who are known as "birds of passage," who come forward whenever a contract is made and take from American workmen the fruits of the labor which they should enjoy.

Mr. BURTON. If such a regulation as the gentleman proposes is proper, why does not the gentleman make it broad and general—applying to public buildings and all other classes of public works? Why seek to bring it in here on a river and harbor bill as an amendment?

Mr. CORLISS. I shall be very glad to answer that question.

The CHAIRMAN. The Chair would like to hear the gentleman from Michigan on the question whether the proposed amendment is germane to the purpose of the bill.

Mr. CORLISS. If the Chair will permit me I desire to answer that question. In order to place myself correctly before the House on this question I wish to state that the reason I offer this proposition here is that while a bill has been for some years pending before Congress, looking to the position I now take, restricting the employment of labor or public works to citizens or residents of the United States and prohibiting the employment of nonresidents or aliens—"birds of passage"—this proposition is particularly in line with that suggestion, because it applies to work done upon the border, in waters that divide our country from a foreign country, where the injury to American labor by foreign competition is very much greater than in the interior sections of the country. This question was brought before Congress in 1874 and carefully considered.



Now, with reference to the legislation, I would be glad in my own time to have read a letter from the Immigration Commissioner, and also a letter from the United States immigration inspector of the Treasury Department, bearing directly upon this question. I ask to have these read in my own time.

Mr. BURTON. Oh, Mr. Chairman, we have already consumed so much time upon this bill—

The CHAIRMAN. The Chair will state that in the judgment of the Chair this is a separate and independent proposition, without reference to what may be its merits, and the Chair must hold that it is not germane to the purposes of the bill, and sustains the point of order.

Mr. CORLISS. I only desired, Mr. Chairman, to get into the RECORD, before the ruling of the Chair, the communication to which I have referred and which is a matter of considerable importance. I was in hopes the gentleman from Ohio would not object, but would allow this to go on record.

The CHAIRMAN. Does the gentleman ask unanimous consent to have the communication printed in the RECORD?

Mr. CORLISS. I do ask unanimous consent to have these letters printed in connection with my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. CORLISS]?

There was no objection.

The letters referred to by Mr. CORLISS are as follows:

TREASURY DEPARTMENT,  
OFFICE OF COMMISSIONER-GENERAL OF IMMIGRATION,  
Washington, January 10, 1901.

SIR: I have the honor to inclose herewith a copy of a communication received from Charles C. Williams, immigrant inspector at Sault Ste. Marie, Mich., which contains an apparently practicable suggestion in connection with the proposed improvement of St. Marys River.

Respectfully,

T. V. POWDERLY,  
Commissioner-General.

Hon. JOHN B. CORLISS,  
House of Representatives, Washington, D. C.

TREASURY DEPARTMENT,  
UNITED STATES IMMIGRATION SERVICE,  
Sault Ste. Marie, Mich., January 7, 1901.

SIR: From newspaper reports I learn that several millions of dollars are about to be expended by the Government in improvements on St. Marys River. It would be a very desirable improvement if a clause could be inserted in Government contracts with operators and dredge men prohibiting them from employing aliens on this work, or at least obliging them to employ none but bona fide residents of the United States. Most of the wages paid out during the expenditure of the last appropriation went to "birds of passage."

There was some correspondence between the Bureau and the War Department on this subject some years ago, the date of which I am unable to give owing to the destruction of my records by fire in August, 1896.

Respectfully,

C. C. WILLIAMS,  
Immigrant Inspector.

Hon. T. V. POWDERLY,  
Commissioner-General of Immigration, Washington, D. C.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read section 7, as follows:

SEC. 7. That the provisions of river and harbor acts heretofore passed providing for the prosecution of work upon the following projects are hereby repealed, and any amounts heretofore appropriated for any of the same now remaining unexpended shall be paid into the Treasury of the United States, to wit:

Entrance to Point Judith Pond, Rhode Island;  
Harbor of St. Augustine, Fla.;  
Pensaukee Harbor, Wisconsin;  
New River, Virginia and West Virginia;  
Cypress Bayou, Texas and Louisiana;  
Wolf Lake, Indiana;  
Chippewa River, Wisconsin;  
Yellowstone River, Montana and North Dakota;  
Clearwater River, Idaho;  
Boat railway from the foot of The Dalles Rapids to the head of Celilo Falls, Washington and Oregon.

Mr. OTEY. Mr. Chairman, I move to strike out line 1, page 86. I refer to New River, Virginia and West Virginia.

This, Mr. Chairman, is the first time that I have ever desired to strike out New River [laughter], but I am as much in earnest and as serious about it now as a man who is going to be hung. [Laughter.] It is a matter of great importance that this amount should still be available for the purpose of the improvement of that river. It is an unexpended balance of but \$2,300, and the Treasury of the United States does not need it at all. The report of the engineer in charge of the work some years ago, which indicated that there was no need for using it, was made so long ago that conditions have materially changed, and the steamboat that is on that river now is necessary for the transportation of the traffic along its banks.

The improvement of this stream is just as important as the improvement of other rivers embodied in this bill. The chairman of the committee has not seen this river. Some people call it a little creek, but the longest iron bridge in the State of Virginia crosses this stream at Radford, and all that is necessary to make the river available for the commerce upon its banks is the utilization of this

\$2,300 to make the navigation possible for that steamboat up and down the stream.

I went to a distinguished member of the River and Harbor Committee—which some gentleman in the rear irreverently calls the "Robber" and Harbor Committee, but which enconium I do not pass upon the committee myself. I went to a distinguished member and he advised me to bring in an amendment, such as I brought in a short time ago, with a request that the River and Harbor Committee would concur in the amendment. But the generalship of the chairman of that committee is a monument to his management. When I expected an avalanche of votes from the other side of the House and a unanimous vote on this side, and when I tried to keep the chairman from doing anything opposed to the amendment, he got up and gave but a word or two, and what was the result? Why, Mr. Chairman, I was routed—horse, foot, and dragoons. [Laughter.]

Now, I do not ask any appropriation, but simply that you strike this out covering that amount back into the Treasury. Why? You can not use it. We can not use it there, unless you give the engineer in charge the power to use it. If the necessities of the case demand, it, then why not permit him to use it and let the work go on?

I therefore hope that the chairman of the committee will feel some sort of sympathy in this matter, exhibit some human kindness in his soul, and not have the heart to get up and oppose this as he has done heretofore, because this is a provision which stands upon an entirely different footing. This money has been appropriated. I only ask that you allow it to remain in the bill and strike out this proposition which covers it back into the Treasury.

Mr. BURTON. Mr. Chairman, I notice that this item is up now for the second time. We had a discussion upon the floor upon it, and it was defeated at that time.

I will only say that for many years past no work has been done on that river. The engineer reports that it is useless to do any work. The stream runs through a rocky gorge, and in order to improve it it will need expensive works, and very extensive rock excavations would have to be made.

It is \$2,300 and it has been left hanging now for ten years. Nobody knows what to do with it. Nobody has any idea of expending it on this river. Now, to say that we can not repeal this item and turn the money back into the Treasury is to say that whenever by Congressional appropriation any money has been lodged somewhere we are never to remove it from that lodgment, but that it must stay there always. It seems to me this House should have the courage, in so clear a case as this, after ten years in which not a dollar has been expended and where there is no probability of any money ever being expended, to pursue a businesslike course and take it off the books. If an appropriation is needed in the future for any practicable improvement, we can give it careful attention.

Mr. OTEY. Will the gentleman wait a moment before he sits down?

Mr. BURTON. Yes.

Mr. OTEY. The gentleman speaks of rock which, he says, will have to be taken out. I guarantee that you will not have to take out any rock; you will not have to make one blast. The only thing is to clean out the channel that has already been made by the United States Government at an expense of over a hundred thousand dollars.

Mr. BURTON. Have you been having an earthquake there to get rid of some of those rocks?

Mr. OTEY. No; but we do not want any rock work done; we just want to clean out the channel that is there.

Mr. BURTON. That does not agree with the engineer's report about that.

Mr. OTEY. That engineer's report was made ten years ago, when you and I were boys. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. OTEY].

The question being taken, Mr. OTEY demanded a division, but subsequently, pending the announcement of the division, withdrew the demand.

The amendment was rejected.

The Clerk read as follows:

SEC. 10. That the Secretary of War is hereby directed to cause preliminary examinations or surveys to be made at the localities named in this section as hereinafter provided. In all cases, except as herein especially directed, a preliminary examination shall first be made, which shall embrace information concerning the commercial importance, present and prospective, of the river or harbor mentioned, and a report as to the advisability of its improvement. Whenever such preliminary examination has been made, in case such improvement is not deemed advisable no further action shall be taken thereon without the direction of Congress; but in case the report has been or shall be to the effect that such river or harbor is worthy of improvement, the Secretary of War is hereby directed, at his discretion, to cause surveys to be made and the cost of improving such river or harbor to be estimated and to be reported to Congress, to wit:

Mr. BURTON. I ask to offer an amendment which I think is made necessary there by the insertion of section 3.

The CHAIRMAN. The Clerk will report the amendment.  
The Clerk read as follows:

In line 21, page 87, after the word "Congress," insert: "Provided, That in all cases preliminary examinations as well as surveys shall be examined or reviewed by the said board provided for in section 3, who shall make reports thereon."

The amendment was agreed to.

The Clerk read as follows:

#### ARKANSAS.

Little Red River, from its mouth to and including Government quarries at Bee Rock, with a view to low-water navigation.

Mr. BURTON. I desire to offer an amendment to include a survey there.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 25, page 87, after the word "navigation," insert the following: "California: Humboldt Bay, at the northern and southern ends."

The amendment was agreed to.

The Clerk read as follows:

#### DELAWARE.

Harbor at Wilmington, Delaware and Christiana rivers, with a view to providing bulkheads for said harbor and widening and maintaining a channel 21 feet deep.

Mr. HOFFECKER. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 6, page 88, after the word "Christiana," strike out the word "rivers" and insert the word "river."

Mr. HOFFECKER. There is only one Christiana River there. The amendment was agreed to.

Mr. BURTON. Let me suggest to the gentleman from Delaware that there should be another amendment to that paragraph. The word "Delaware," in line 6, is the name of the State and not the name of a river.

Mr. HOFFECKER. Yes; that is correct.

Mr. BURTON. Then it should read:

Harbor at Wilmington and Christiana River, with a view to providing bulkheads for said harbor and river and widening and maintaining a channel 21 feet deep.

Mr. HOFFECKER. That is right.

The CHAIRMAN. Without objection, the amendment suggested by the chairman of the committee will be agreed to.

There was no objection.

Mr. HOFFECKER. In line 7, page 88, after the word "said," insert "river and;" so that it will read "for said river and harbor."

Mr. BURTON. That was included in what I referred to a moment ago.

The amendment was agreed to.

The Clerk read as follows:

#### GEORGIA.

Skiddaway Narrows, Chatham County: The Secretary of War is directed to cause a survey and an estimate of the cost of Skiddaway Narrows, connecting Isle of Hope River with Burnside River, for a channel 75 feet wide and 6 feet deep at mean low water, and make report of the same to the next session of Congress.

Mr. BURTON. Mr. Chairman, I desire to offer an amendment to that section.

The Clerk read as follows:

On page 89, line 4, after the words "cost of," insert the word "improving."

The amendment was agreed to.

The Clerk read as follows:

#### ILLINOIS.

Mississippi River at Moline, with a view to the construction of a lock.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Insert after line 13, page 89, the following:

"Chicago River, with a view of determining the need, advisability, and estimated cost of constructing two turning basins in the north and south branches."

Mr. MANN. Mr. Chairman, I suppose that it is almost useless for a member of the House now to hurl himself against the Committee on Rivers and Harbors, since during the six days of debate upon this bill not an amendment has been adopted unless urged by the chairman of that committee. Still, I am impelled to do so by the peculiar circumstances at Chicago. The Chicago Harbor is Chicago River. Last year there were more than 14,000 vessels in the total of entrances and clearances at the Chicago River.

Many of those vessels are the large vessels used in carrying grain in lake navigation, and not a single one of these vessels can turn around inside the north and south branches of the river, where the grain is taken on. So that all of these vessels entering the river and loading with grain are compelled to be hauled out of the river backward by the tugs. Since the drainage canal was opened there is a current in the river which was never known before, and now it is impossible to haul these vessels out without great expense. Every few days there is an accident, a collision between vessels or with some of the bridges or piers; and it is an

enormous expense to the people who are engaged in lake-carrying traffic. This amendment carries no appropriation.

I am perfectly willing to leave it to the future action of the River and Harbor Committee to decide whether the National Government ought to make this improvement or whether the local government ought to make the improvement. But in any event it will be necessary to have action by the engineer of the National Government for the purpose of locating where these turning basins are to be. It requires no expenditure of money to make this estimate. The local engineer, with the clerical force that he now has, will be able to perform this duty and make an estimate to Congress without any difficulty and without any additional expense.

Unless this improvement is made by some one, there will be the very greatest detriment to the lake carrying trade which emanates at Chicago. This carrying trade is enormous; and when I notice in this bill a provision for making the channel at New York Harbor 2,000 feet wide and another channel at Boston Harbor 1,500 feet in width for the foreign carrying trade I insist that it is but right that the carrying trade on the lakes at Chicago ought to have some place in which a vessel can turn around.

It is not with us a question of 2,000 feet or 1,500 feet in width. It only requires a widening in some particular spot. And when we propose to make a channel 3,000 feet wide in New York, Chicago has the right to have a proper place at which vessels may turn around, at least; and I insist that this sort of improvement should be made. More than 100,000,000 bushels of grain went from Chicago River this last year, and every bushel of it went in a vessel with an increased freight cost because that vessel had to pay a large amount to the tugs to haul her out of the river backward.

Such an improvement as this the chairman of the committee ought to be willing to concede to us. Chicago has not acted the beggar before Congress. We spent millions of dollars in the improvement of our river. We have spent \$40,000,000 in the construction of the drainage canal—largely in the improvement of the river within the limits of Chicago. We are now proposing to spend in that city millions of dollars in the reconstruction of our bridges, taking out the center-pier bridges and constructing bascule bridges.

The city of Chicago has to-day pending mandamus suits against the street-railway companies for the purpose of compelling them to lower the tunnels there. The only thing which we can not reach is the construction of turning basins. We can not locate them ourselves, even if we had the power and means to provide them, and all we ask now is that the Government engineer may be permitted to report to Congress upon the need and location of these basins; and I hope the committee may vote this into the bill.

I discussed this matter at greater length last Saturday in the general debate, and I think I then showed the most ample reasons for adopting the amendment now urged by me. I appeal to the chairman of the committee [Mr. BURTON] not to resist the amendment.

Mr. BURTON. Mr. Chairman, there are two very valid reasons why this provision should not be inserted. In the last bill, 1899, a provision was inserted fixing the depth of the waters in Chicago at 21 feet, leaving with the city or sanitary district the responsibility of lowering certain tunnels which now make it absolutely impossible to obtain that depth. Now, we ought to wait and see what is done under that provision.

The second reason is this: In a very large majority of the harbors along the Great Lakes—I have sometimes stated that the proportion is nineteen-twentieths—the interior channels or harbors are improved by municipalities and private parties—that is, the General Government brings deep water up to the shore line of the lake, but the river, along the two sides of which the wharves are located, is improved by the municipality or by individuals. As to the main stem of the Chicago River, as well as the north branch and the south branch, there is an enormous commerce; and I do not say that the time will not come when the General Government ought to take some steps with reference to the improvement inside.

But if we were to insert this provision here for that survey as to these turning basins, in order to do justice (and in this bill we must do justice to all localities equally), there are at least 40 harbors on the lakes that we ought to turn to immediately and include. We ought to turn, for instance, to Milwaukee, Wis., which presents a stronger case than Chicago; we ought to turn to Buffalo, N. Y., which presents an equally strong case, where the city has not only dredged out the inner harbor, or creek forming that harbor, but, until attention was called to it here a few months ago, absolutely dredged between the Government piers on the outside.

We should also include Lorain, Ohio, where the municipality bonded itself for \$300,000 to make needed improvements and obtain in the river constituting its harbor a better depth than the Government had dredged between the piers extending into the lake. It would be unjust to other places. Without hesitancy I



say to the gentleman from Illinois, if he were to establish this precedent in all these other ports the share of Chicago in the national taxation which would be required for their payment would be more than the appropriation Chicago would receive.

Mr. MANN. Will the gentleman permit a question?

Mr. BURTON. Yes.

Mr. MANN. The gentleman knows that I have no disposition to criticize the appropriation recommended by the committee for the large ports. Is not Buttermilk Channel situated within the limits of New York City?

Mr. BURTON. Not in the sense that this stream is. It is out in the general waterway to the ocean, bounded on one side by the city.

Mr. MANN. Is it not bounded on both sides by New York City?

Mr. BURTON. In the same sense that New York Bay is in New York.

Mr. MANN. I say that Buttermilk Channel is bounded on both sides by New York City.

Mr. BURTON. The gentleman must examine his chart again.

Mr. MANN. Now, I think the gentleman from Ohio is right when he recommends the appropriation. I do not think he can draw the line fast absolutely. I think Buttermilk Channel ought to be improved, and I would suggest in reference to that that there may be a difference between the commerce of Chicago and some of the other ports that he has named.

Mr. BURTON. Let me call the gentleman's attention to another point in regard to Buttermilk Channel. It is not only justifiable because providing better means for reaching the largest warehouse district in the United States, but it facilitates the passage of vessels from New York Bay into the East River.

Mr. MANN. I have no doubt of the wisdom of this appropriation, but I say it is within the limits of New York City. I think the chairman of the committee has stated repeatedly that he did not desire to say absolutely that an improvement should not be made because it was within the limits of the city. Now, the situation in Chicago is this: The current there is so fast that they can not turn around, and it is almost impossible to tow a vessel out. Why should not the engineers report where these turning places should be? No one else can locate them.

Mr. BURTON. I am decidedly opposed, Mr. Chairman, to farming out Government engineers for use in work which should be done by the municipalities.

Mr. BOUTELL of Illinois. Mr. Chairman, I ask unanimous consent that the amendment may be again reported, and I should like to be heard in favor of the amendment.

The CHAIRMAN. Without objection, the amendment will again be read.

The Clerk again read the amendment.

Mr. BOUTELL of Illinois. Mr. Chairman, I trust that this amendment will receive not only the friendly consideration but the unanimous approval of this committee. As my colleague has said, everyone who is familiar with the situation at Chicago knows that the Chicago River is not only the Chicago Harbor, but it is the only harbor in Chicago, the second city in population, the third city in tonnage, in the Union. More than that, the city of Chicago has grown up in this locality to be the second city in the country, not because it was located on a river, but because it was located on a harbor. Everyone who has been in Chicago must have seen the gigantic grain carriers being dragged by four tugs, two at each end, down the tortuous channel of the harbor, stern foremost, to clear water. The necessity for turning basins in the Chicago River can not be disputed.

Only two objections are presented by the chairman of the River and Harbor Committee to this amendment, and neither of them, it seems to me, will commend itself to the judgment of this committee. The first objection is that the amendment should not be adopted until the tunnels in the river have been lowered and the river has been deepened to 21 feet. It is true that three tunnels prevent navigation to a greater depth than 17 feet. It is true that Congress has by law established the depth of 21 feet, and it is either the duty of the Federal Government to see that these tunnels are removed, or it is the duty of the local authorities to remove them. In either case the channel of the river in the harbor at Chicago should be deepened, but that is entirely a separate proposition from the establishment of the turning basins.

These turning basins are as much needed with the present depth of water as they would be with a depth of 21 feet. The second objection to the amendment made by the chairman of the committee is that there are other harbors that need similar turning basins. I take it that every locality where improvements in harbors are needed has its able advocate on the floor of this House, and the fact that similar improvements are needed elsewhere should not prejudice the claim of Chicago at this time.

In connection with the second objection, the chairman of the committee makes the point that the Chicago Harbor is entirely within the limits of the municipality. This objection, taken in

connection with certain remarks made by the chairman in explaining this bill, on the 9th of this month, shows a dangerous tendency on his part toward the adoption of a policy which would be prejudicial to the interests of almost every harbor in the United States.

On January 9, as I find by referring to page 819 of the RECORD, the chairman of the committee said:

While not attempting to enforce any hard-and-fast rule, the committee have sought to make one which shall create some boundary line between the municipalities and the General Government. We have tried, however, to judge each case according to its merit. In some cases there is no opportunity for an outer harbor, and there must be an improvement of the inner harbor. In that case it makes a strong showing for an appropriation within, which otherwise would not exist.

Mr. Chairman, I ask the gentlemen of this committee whether they wish to adopt the policy enunciated there—that a harbor which is entirely within the limits of a municipality has no claims upon the Federal Government.

Then on January 14, as appears on page 1076 of the RECORD, the following colloquy took place between the gentleman from Wisconsin [Mr. OTJEN] and the gentleman from Ohio [Mr. BURTON]:

Mr. OTJEN. Is there anything in this bill making appropriation for the purpose of improving an inner harbor or harbors lying within the city line of any city?

Mr. BURTON. There are one or two cases where improvements have been under way for many years. There is one case at Calumet River. That, however, is an interstate stream, and provision is made for dredging to the Indiana line. But the committee have avoided as far as possible on the balance of the Great Lakes making provision for dredging interior streams.

Mr. OTJEN. As I understand the chairman of the committee, it is the policy of the committee not to make such appropriation.

Mr. BURTON. The committee, I should say in frankness, had some difficulty in the matter, but we pursued that course.

Now, as I look over the present river and harbor bill and former measures of the same character, I see evidences of the growth of this dangerous tendency to apply this principle to the harbors of the Great Lakes and to withhold the application of the principle from the harbors on salt water.

Mr. BURTON. Does not the gentleman know that until the case of the Calumet River arose a few years ago there was practically no harbor on the Great Lakes where the inner portion was improved by the General Government? When that has been a fact for fifty years, how can he now recognize a "dangerous tendency?"

Mr. BOUTELL of Illinois. Quite true. But I protest against this dangerous tendency to further strengthen and extend a policy of not improving fresh-water interior harbors while improving salt-water interior harbors. Why should salt-water harbors be given any preference over fresh-water harbors of equal or greater commercial importance? The Federal Government should provide a 21-foot channel in the Chicago River and construct a turning basin on each of the branches of the river. Judging from the action of Congress in the past, it is safe to say that if Chicago and its river had been located on the Atlantic coast ten dollars would have been expended on the Chicago harbor for every dollar that it has actually received from the Federal Government.

Mr. REEVES. If my colleague will allow me, I want to suggest for his information and for that of members of the House that the Committee on Rivers and Harbors has not established a proposition that the General Government shall not improve that portion of harbors wholly within corporate limits. On the contrary, it has almost unanimously decided the other way. That question is not necessarily involved here, and I do hope that my friend may not anticipate that trouble.

Before taking my seat, I may say that is a question involving a policy to which I trust members of the House will not commit themselves without proper thought and investigation, for it affects the whole country. All over this country, particularly in New England, the inner harbors have been improved from time immemorial by the General Government. That is the record of legislation on this subject.

Mr. BOUTELL of Illinois. I thank my colleague for his suggestion, and I would say in explanation that I am quoting the language of the chairman of this committee in his argument on this bill and in opposition to the pending amendment, as showing what I consider a dangerous tendency on his part to discriminate against the harbors on the Great Lakes.

Now, the Federal Government, it seems to me, has a peculiar care over these rivers and harbors of the Great Lakes. I wish to call attention to a few lines in the ordinance of 1787 for the government of the Northwest Territory, within the boundaries of which this harbor is situated.

[Here the hammer fell.]

Mr. BURTON. I move that debate on this paragraph be closed. Mr. MANN. I ask unanimous consent that my colleague be allowed to proceed for five minutes more.

Mr. BURTON. I think I must object.

Mr. BOUTELL of Illinois. I wish merely to refer—

Mr. BURTON. Can not the gentleman have that matter printed in the RECORD without reading? How long a time does the gentleman wish to occupy?

Mr. BOUTELL of Illinois. About two minutes.

Mr. BURTON. Very well; just read that paragraph; I will not object to that.

Mr. BOUTELL of Illinois. And I hope the gentleman will not object to my making a word of comment upon it.

In the ordinance of 1787 I find the following language:

The navigable waters leading into the Mississippi and St. Lawrence and the carrying places between the same shall be common highways and forever free, as well to the inhabitants of the said Territory as to the citizens of the United States.

Now, the Chicago Harbor by nature flowed into the St. Lawrence. Through the enterprise of our citizens and the expenditure of nearly \$40,000,000 we have made the river flow into the Mississippi or into the St. Lawrence, as we may choose. Under these circumstances, I maintain that this House shall not commit itself to a policy of improving rivers that are not harbors and improving harbors that are not rivers while it withholds Federal aid from a body of water like the Chicago River, which is both a river and a harbor. I hope this amendment will be unanimously adopted.

Mr. BURTON. Mr. Chairman, I move that all debate on this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. MANN].

The question was taken; and the amendment was rejected.

The CHAIRMAN. The Clerk will report the other amendment sent up by the chairman of the committee.

The Clerk read as follows:

Insert, in line 13, page 89, after the word "lock," the following: "Ohio River channels at or near Mound City and Elizabethtown."

Mr. BURTON. I will state, Mr. Chairman, in reference to this amendment, that we thought it proper that these two points should be provided for in the bill.

The amendment was agreed to.

The Clerk read as follows:

Kentucky: Tradewater River.

Mr. SMITH of Kentucky. Mr. Chairman, I move the amendment I send to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the words "Trade Water River," in line 15, on page 89 of the bill, insert "Salt River from its mouth to Sheppardsville."

Mr. BURTON. I would like to ask the gentleman as to whether that river has not been surveyed recently?

Mr. SMITH of Kentucky. No, sir. It was surveyed about thirteen years ago—in 1887, I think.

Mr. BURTON. I may be mistaken in my impression, but I had an idea it had been surveyed. Is not this the river that Mr. Carlisle said the only way to improve it was to pave it? [Laughter.]

Mr. SMITH of Kentucky. I do not remember, but I suspect he would say that now. [Laughter.]

Mr. BURTON. Is it not true that numerous people who go up that river do not get down again? [Renewed laughter.]

Mr. SMITH of Kentucky. Well, I think that would be a very favorable recommendation for the amendment I have suggested. I hope it will be adopted.

Mr. BURTON. Has the gentleman examined the condition of the commerce upon that river?

Mr. SMITH of Kentucky. In 1887, the year that this examination was made, the commerce was something over a half million of dollars. It has increased since that time.

Mr. BURTON. I think I will make no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Kentucky.

The amendment was considered, and agreed to.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

#### LOUISIANA.

Cane River, with a view to the improvement of the same by a system of locks and dams.

Bayou Tigre, Vermilion Parish.

Mr. BURTON. Mr. Chairman, I move to amend by inserting, after line 19, the words "Bayou Grossetete."

The CHAIRMAN. The question will be submitted, and the Clerk will report the amendment.

Mr. BURTON. I will say, Mr. Chairman, that a partial examination has been made of this bayou, and it is deemed advisable, in view of the representations made by the engineers, to continue the work.

The CHAIRMAN. Without objection, the amendment will be adopted.

There was no objection.

The CHAIRMAN. The Chair understood the gentleman from

Louisiana [Mr. BROUSSARD] desired to offer an amendment at this point.

Mr. BROUSSARD. The amendment I had in view, Mr. Chairman, was the one offered by the chairman of the committee.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

#### MAINE.

Medomac River to the head of navigation.

Mr. BURTON. On behalf of the committee I offer the amendment I send to the desk.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Insert after line 13, page 90, "Ile au Haut thoroughfare, between the island of Ile au Haut and Kimballs Island."

The amendment was considered, and agreed to.

The Clerk read as follows:

#### MARYLAND.

Havre de Grace Harbor.

Mr. BURTON. Mr. Chairman, I move to strike out line 15 on page 90.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "Havre de Grace Harbor."

Mr. BURTON. I move that that be stricken out and an insertion be made providing for "the Severn River to and including Annapolis Harbor."

The CHAIRMAN. The Clerk will report the additional amendment.

The Clerk read as follows:

Strike out line 15, page 90, and insert "Severn River to and including Annapolis Harbor."

The amendment was agreed to.

The Clerk read as follows:

#### MISSOURI.

Missouri Chute, in the Mississippi River, with a view to closing the same.

Mr. ROBB. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the word "same," in line 9, page 92, the following:

"Provided, That if upon the preliminary survey the proposed work be deemed advisable such amount of the sum herein appropriated for the improvement of the Mississippi River from the mouth of the Ohio River to St. Paul as may be necessary shall be used in making said improvement."

Mr. BURTON. Mr. Chairman, that provision ought not to be adopted. The law is as it should be—that a preliminary examination shall first be made and then a survey. When both these are before us we make the appropriation. It would be changing that salutary provision so that in this case the successive steps would not have to be taken at all. This project would be altogether in advance of any other project in the bill, and would be on an entirely different footing.

I will say to the gentleman, however, that I do not believe his provision is necessary. If in the general improvement of the river some work is required there, no doubt it will be done.

Mr. ROBB. Mr. Chairman, I will state that my purpose in offering that amendment at this time is to direct attention to that particular point. If upon a preliminary survey the work be deemed advisable, as the chairman of the River and Harbor Committee has stated, they could use a part of the general appropriation for the improvement of the Mississippi River from the mouth of the Ohio to St. Paul. They could use it without the amendment, if they were disposed to do it, but they may not do it. Now, by waiting, after the preliminary survey has been made, until another survey shall be made the property of the individual owners there will be destroyed. I understand that the property owners have no right to protect their own property. The river there belongs to the Government. They have not the right to close up this chute, they have not the right to protect the banks.

As I stated yesterday, it will not only preserve the property there in the river bottom, the richest land in Missouri, but it will preserve and protect a little town of two or three hundred inhabitants which is threatened with destruction. Not only that, it will improve the channel of the river there, which is very shallow, by compelling all the water to go on one side of that island. I do not see why the chairman of the committee should object to this amendment. It does not ask for any additional appropriation. It does not interfere in any manner with the survey. After the preliminary survey is made, if there is a report in favor of the improvement, the parties engaged in the work could direct the making of the improvement under the general appropriation, and a part of the general fund, perhaps \$10,000, would be used in closing up Missouri Chute.

The amendment was rejected.



Mr. BARTHOLDT. Mr. Chairman, I desire to reoffer the amendment which was considered yesterday.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Insert in line 14, page 92, the following:

"The Mississippi River Commission shall examine and report upon the feasibility of the establishment of a system of reservoirs to be located in the St. Francis Basin, which reservoirs shall be large enough to cut some 10 feet off the top of the greatest floods at the junction of the Mississippi and Ohio rivers, or to reduce the extreme flood level to about the equivalent of a 42-foot stage on the gauge at Cairo."

Mr. BURTON. Does that contain both the words "feasible" and "advisable?"

Mr. BARTHOLDT. No; only "feasible."

Mr. BURTON. It does not require them to make any estimate?

Mr. BARTHOLDT. No; it is modified in accordance with the suggestion of the gentleman yesterday.

Mr. BURTON. I see no objection to it, Mr. Chairman.

Mr. McCULLOCH. Mr. Chairman, there is no necessity of putting that in this bill at all. It will involve an expenditure of perhaps \$100,000,000 to buy the farms on the territory inside of that basin.

Mr. BURTON. I will answer that for the gentleman from Missouri that I think the case is this: Certain business men, and even scientific men in the Mississippi Valley, have been agitating this as a method of diminishing the flood waters of the Mississippi. I do not understand that the gentleman from Missouri [Mr. BARTHOLDT] commits himself to that project, but he desires a scientific report upon it. The Mississippi River Commission is not compelled to make any estimates or do any considerable amount of work. I can see no objection to it.

The amendment was agreed to.

The Clerk read as follows:

Herman Harbor.

Mr. BURTON. I want to ask the gentleman from Missouri who represents that district whether the work "Herman" is spelled with one or two n's?

Mr. CLARK. Two n's.

The CHAIRMAN. Without objection that correction will be made.

There was no objection.

Mr. BURTON. In the next line, line 16, there is somewhat more considerable change, "Caw River." I wish to insert "at the mouth" of "Kaw" instead of "Caw" River.

Mr. COWHERD. If the chairman of the committee would permit me, I would much prefer that it should be "at or near" the mouth.

Mr. BURTON. I have no objection to that. I move, Mr. Chairman, that it read "Kaw River, at or near the mouth."

Mr. COWHERD. I would suggest to the chairman that the mouth of the river is in Kansas. I notice that it is put under the head of "Missouri."

Mr. BURTON. I fear we are making an error, Mr. Chairman, as to the State in which the mouth of Kaw River is located.

Mr. COWHERD. The mouth of the Kaw River is in Kansas.

Mr. BURTON. A more considerable change is required. The first amendment, as to Hermann, has been adopted, I understand.

The CHAIRMAN. That has been adopted.

Mr. BURTON. I move here, in place of Kaw River, line 16, the following be adopted: "Kaw River at or near the mouth;" and that it be transposed to another head, to occur on page 89, just before the word "Kentucky," with these words: "Kansas. Kaw River at or near the mouth."

The CHAIRMAN. Without objection, the amendment suggested by the chairman of the committee will be adopted. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

New York.

Mr. BURTON. There is an amendment there at the beginning.

Mr. SCUDDER. I offer the following amendment.

The Clerk read as follows:

Insert in line 11, page 93, after the words "deep-draft vessels," the words "Northville, Lucas landing, Suffolk County, in Long Island Sound, with a view to constructing a breakwater."

Mr. BURTON. One thing I desire to say. That ought to come in at the beginning, after the words "New York," after line 21, page 92.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

Hudson River, from State dam at Troy to Waterford; preliminary examination is directed to be made, with a view to securing a depth of 12 feet of water, including a lock at the State dam of size and capacity sufficient to accommodate all probable demands of commerce.

Mr. BURTON. I have an amendment I desire to offer there.

The Clerk read as follows:

Insert after line 2, page 93, the following:

"A preliminary examination is also directed to be made between Troy and Coeymans."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. SCUDDER. Mr. Chairman, I have an amendment I desire to offer.

The Clerk read as follows:

Insert at end of line 2, page 93, the following:

"Port Jefferson Harbor, Suffolk County, N. Y., with a view to constructing a channel through the inlet thereto 15 feet in depth at mean low water and 200 feet in width."

[Mr. SCUDDER addressed the committee. See Appendix.]

Mr. BURTON. I trust the amendment will not be adopted. There is a very large coast line there, it is true.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

East Chester Creek.

Mr. SCUDDER. I have an amendment to offer.

The Clerk read as follows:

Insert at end of line 4, page 93, the following:

"Jacksons Creek, Nassau County, from Bellmore Dock to the bay, with a view to constructing a channel therein 6 feet in depth at mean low water and 150 feet in width."

[Mr. SCUDDER addressed the committee. See Appendix.]

The amendment was rejected.

The Clerk read as follows:

Ticonderoga River.

Mr. SCUDDER. I have another amendment to offer.

The Clerk read as follows:

Insert at end of line 3, page 93, the following:

"Parsonage Cove, Nassau County, from Baldwin's three-quarters of a mile southerly to deep water, with a view to constructing a channel 8 feet in depth at mean low water and 200 feet in width."

[Mr. SCUDDER addressed the committee. See Appendix.]

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Mamaroneck Harbor.

Mr. SCUDDER. I have another amendment, Mr. Chairman.

The Clerk read as follows:

Insert at end of line 5, page 93, the following:

"Three-Mile Harbor, East Hampton, N. Y., with a view to constructing a channel through the inlet thereto not less than 10 feet in depth at mean low water and 200 feet in width."

[Mr. SCUDDER addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Oleott Harbor, Lake Ontario.

Mr. SCUDDER. I have an amendment there, Mr. Chairman.

The Clerk read as follows:

Insert at end of line 6, page 93, the following:

"Hempstead Harbor from the inlet at Barrow Beach to Roslyn, with a view to constructing a channel 12 feet in depth at mean low water and 200 feet in width."

[Mr. SCUDDER addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from New York.

The question was taken; and the amendment was rejected.

#### MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, sundry messages in writing from the President were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On January 11, 1901:

H. R. 13394. An act providing for the payment of electoral messengers.

On January 14, 1901:

H. J. Res. 277. Joint resolution authorizing the appointment of Charles A. Boutelle as a captain on the retired list of the Navy;

H. J. Res. 101. Joint resolution authorizing the publication of an edition of "A digest of international law;"

H. R. 4099. An act for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased;

H. R. 11588. An act permitting the building of a bridge across the Osage River at the city of Warsaw, Benton County, Mo.;

H. R. 6344. An act to remove the charges of desertion from the records of the Department against Frederick Mehring;

H. R. 12447. An act to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein;"

H. R. 163. An act for the relief of Henry O. Morse;  
 H. R. 2955. An act providing for the resurvey of township No. 30 west, of the sixth principal meridian, in Frontier County, State of Nebraska;  
 H. R. 11213. An act for the relief of occupants of lands included in the Algodones grant, in Arizona;  
 H. R. 1288. An act granting a pension to Cornelius W. Roberts;  
 H. R. 6424. An act granting a pension to Charles S. Devine;  
 H. R. 8207. An act granting a pension to Joseph Quinn;  
 H. R. 9176. An act granting a pension to Emily Haines Harrison;  
 H. R. 9719. An act granting a pension to Amos W. Felker;  
 H. R. 10743. An act granting a pension to Augusta Ullman;  
 H. R. 315. An act granting an increase of pension to Moses H. Taber;  
 H. R. 6096. An act granting an increase of pension to Samuel W. Kirkendall;  
 H. R. 6947. An act granting an increase of pension to Alonzo C. Rembaugh;  
 H. R. 7012. An act granting an increase of pension to Emma C. Stephenson;  
 H. R. 7190. An act granting an increase of pension to George O. Cole;  
 H. R. 7328. An act granting an increase of pension to John Nicklin;  
 H. R. 7553. An act granting an increase of pension to Fannie M. O'Linn;  
 H. R. 7600. An act granting an increase of pension to Charles Claussen;  
 H. R. 8735. An act granting an increase of pension to Annie B. Sharrard;  
 H. R. 9010. An act granting an increase of pension to Charles A. Westfield;  
 H. R. 9555. An act granting an increase of pension to Nicholas Briggeman;  
 H. R. 10381. An act granting an increase of pension to Gideon W. T. Ridlon;  
 H. R. 10524. An act granting an increase of pension to Lewis H. Riden;  
 H. R. 10778. An act granting an increase of pension to Martin V. B. Winkler;  
 H. R. 10847. An act granting an increase of pension to Betsey A. Summers;  
 H. R. 11552. An act granting an increase of pension to Louis Hebel.  
 On January 15, 1901:  
 H. R. 1803. An act granting a pension to Julia E. G. Lewis;  
 H. R. 4679. An act granting a pension to Micager Philpot;  
 H. R. 8218. An act granting a pension to Mary E. Lacey;  
 H. R. 8540. An act granting a pension to Lydia J. De Silva;  
 H. R. 10749. An act granting a pension to Henry L. White; and  
 H. R. 10750. An act granting a pension to James H. Rainey.

## RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk, proceeding with the reading of the bill, read as follows:

Oswego Harbor, with a view to ascertaining cost of necessary repairs to breakwater.

Mr. SCUDDER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert at end of line 7, page 93, the following:

"Jones Inlet from the head of the lead to deep water west of Babylon, in the Great South Bay, Suffolk County."

The amendment was rejected.

The Clerk (proceeding with the reading of the bill) read as follows:

Erie Basin and Black Rock Harbor, with a view to obtaining a suitable channel for deep-draft vessels.

Mr. SCUDDER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, at the end of line 9, page 93, the following:

"Greenport Harbor, Suffolk County, with a view to determine and to submit an estimate of the cost of deepening the anchorage ground in Sterling Basin, in said harbor, and widening and deepening the approaches to said basin."

[Mr. SCUDDER addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

The Clerk proceeded with the reading of the bill.

Mr. BURTON. Mr. Chairman, I ask a transposition of the titles so that they may come in alphabetical order, so that Ohio may come before Oregon.

The CHAIRMAN. Without objection, the transposition will be made.

There was no objection.

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5549. An act granting an increase of pension to Horatio N. Davis; and

S. 5395. An act to authorize the United New Jersey Railroad and Canal Company and the Philadelphia and Trenton Railroad Company, or their successors, to construct and maintain a bridge across the Delaware River.

The message also announced that the Senate had passed with amendments the bill (H. R. 10498) to create a new division in the western judicial district of the State of Missouri; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 953) to divide the State of West Virginia into two judicial districts.

## RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk, proceeding with the reading of the bill, read as follows:

Canal and locks at Willamette Falls, Willamette River, Oregon: The Secretary of War is hereby authorized and directed to ascertain, through a board of engineers, or otherwise, and report to the House, whether the acquisition of the present canal and locks at Willamette Falls, Oregon, or a construction of new canal and locks by the United States Government, and their operation for the exclusive benefit of the navigation of said river, would, by withdrawing the waters of the Willamette River from the channels in which they have been accustomed to flow, or otherwise, injure in a material manner the operations of the manufacturing enterprises now in operation or contemplated at the falls of the Willamette River. Also to ascertain, through the Department of Justice, or otherwise, and report to Congress, whether the Portland General Electric Light Company of Oregon, by virtue of its ownership of certain real property at Willamette Falls, in the Willamette River, Oregon, has a legal, valid, and existing right and title, as against the United States, for the full, free, and continued use of the waters of the Willamette River for the use of the manufacturing enterprises now located on their property, whether such water is needed for navigation or not, and if so, what method would be necessary on the part of the United States Government to acquire title to such water for the purpose of navigation, and the measure of damages it must pay to such company.

Mr. McCULLOCH. Mr. Chairman, I desire to suggest to the gentleman from Ohio whether it would not be better, in line 4, page 94, to strike out the word "House" and insert the word "Congress."

Mr. BURTON. I do not think it matters about that; the report is naturally addressed to the Speaker of the House. The gentleman will see that the documents which come here are addressed to the Speaker and are labeled "House documents."

The Clerk, proceeding with the reading of the bill, read as follows:

Port Clinton Harbor.

Mr. BURTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out in line 7, page 95, "Port Clinton Harbor" and insert "Portage River to Oak Harbor Bridge."

The amendment was agreed to.

Mr. BURTON. I have also another amendment, Mr. Chairman.

The Clerk read as follows:

Insert after line 7, page 95, after the word "Harbor," the words "Pennsylvania, and Susquehanna River from its source to the junction of north and west branches at Northumberland."

The amendment was agreed to.

Mr. BURTON. Now I suggest, Mr. Chairman, that, the transposition having been made between Oregon and Ohio, the item as to Pennsylvania should come after Oregon, and I ask unanimous consent that it be inserted in that order.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

Inner Winyah Bay, with a view to securing a depth of 20 feet from the boundary line of the city of Georgetown on the west to the shore line of Black and Waccamaw rivers on the north and east, and the shore of Winyah Bay and Sampit River on the west, south, and southeast.

Mr. BURTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after line 3, page 96, after the word "southeast," the words "Edisto River from its mouth to the boundary of Aiken County."

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

## TEXAS.

Matagorda Bay and Lavaca Bay, with a view to securing a channel 6 feet in depth and 100 feet in width between said bays.

Mr. BURTON. Mr. Chairman, in line 8, page 96, I move to amend by striking out the word "six," after the word "channel,"



and inserting the word "nine." There is already a channel 6 feet deep.

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

VIRGINIA.

Alexandria Harbor, with a view to improving the channel in Hunting Creek and across the flats.  
Coan Creek.

Mr. BURTON. Mr. Chairman, in line 13, page 97, I move to strike out the word "Creek" and insert the word "River," so that it will read "Coan River."

The CHAIRMAN. Without objection, that amendment will be adopted.

There was no objection.

Mr. BURTON. I also offer the following amendment.

The Clerk read as follows:

WASHINGTON.

Insert in line 13, page 97, after the word "Creek," now changed to "River," the following: "Nooksack River, with a view to constructing a dam to divert the flow of the river into Bellingham Bay."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Ohio.

The question was taken; and the amendment was agreed to.

Mr. JONES of Washington. Mr. Chairman, I have an amendment to offer at this point.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

After the amendment just adopted insert the words "Ship canal to connect Puget Sound with Grays Harbor, via the Chehalis River."

Mr. JONES of Washington. This, Mr. Chairman, is a most important matter to my State. We have secured one survey today. We have several thousand miles of salt-water coast line. This survey is asked for by the legislature of the State, and, as I have said, we have but one other provided. A resolution providing for this has passed the Senate, and we hope it will be placed upon this bill.

Mr. CUSHMAN. Mr. Chairman, I also indorse all that my colleague says. This is a most meritorious proposition, one of great importance to our State, and should be adopted.

Mr. BURTON. Mr. Chairman, if there is any one absurdity to which we have committed ourselves in the past, it is the building of canals where nature never intended there should be a waterway. The fact that the State of Washington has these thousands of miles of seacoast of which the gentleman speaks is one of the very strongest arguments against his suggestion, and shows that they do not need canals.

The best place to build a canal is where there is a natural waterway. Let the canals go alongside of it to correct the errors in the way of descent from level to level and run around shoals and other obstructions which are not readily removable. But to construct such a canal as this proposed in the pending amendment would be simply an enormous expenditure of money without the development of any satisfactory result. It would cost millions upon millions of dollars and would result in no benefit whatever. You could not offer facilities enough to force commerce, which can go by the regular and natural lines to adopt such a course as you propose in this amendment.

I have strenuously opposed this class of projects. I have been frequently requested to introduce a resolution for the construction of a canal between Lake Erie and the Ohio River in my own State, and I have always refused.

There was a project some years ago to build a canal connecting the upper end of Lake Michigan and the western end of Lake Erie, and yet if such a canal had been built nine-tenths, or more probably ninety-nine one-hundredths, of the traffic would still continue to follow the natural waterway, although the old route would be considerably longer.

Mr. Chairman and gentlemen of the committee, let us finish the work upon which we are now engaged, and not enter upon new projects that are in their nature doubtful and unnecessary. It may be said that this is only a preliminary survey; but when you order a survey it is an intimation that there is an intention in the legislative mind at some time to do the work.

I hope the amendment will not be adopted.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the chairman of the committee.

The Clerk read as follows:

After the words "West Virginia. Little Kanawha River," insert "with a view of continuing improvements thereof up to Burnsville."

The question was taken, and the amendment was agreed to.

Mr. CUSHMAN. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

A new section to be added to the bill, as follows:

"Waterway connection, Puget Sound with Lakes Union and Washing-

ton: Continuing the improvement of the construction and excavation of the waterway between Puget Sound and Lakes Union and Washington, \$100,000."

Mr. BURTON. Mr. Chairman, I make the point of order that this is entirely out of place here. I have no objection to the gentleman discussing it, except for the consumption of time. We have spent a great deal of time on this bill already.

Mr. CUSHMAN. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. CUSHMAN. During the time that we were discussing the paragraph relating to Washington, to which this amendment refers, I called upon the gentleman from Rhode Island [Mr. CAPRON], then acting as temporary chairman of the committee, and asked him when would be the proper time to offer the amendment which I desire to submit. He said at the close of the bill.

Now, I do not make that statement for the purpose of placing the responsibility upon the gentleman from Rhode Island [Mr. CAPRON], but to show that I had exhibited no negligence in offering the amendment at the proper time and the proper place.

I now ask unanimous consent to offer the amendment and also to address the committee for one minute thereon.

The CHAIRMAN. The gentleman asks unanimous consent to address himself to the proposed amendment for one minute. Is there objection?

There was no objection.

Mr. CUSHMAN. I do not desire to make any lengthy address on the subject, because of the fact that the project embraced in this amendment was discussed fully in the remarks I submitted the other day. But I wish only to say that this ship canal proposed to be constructed at Seattle is a project to which the Government stands committed; that it has been indorsed by the engineers; that the Government has already made an appropriation of \$175,000 to help carry that project forward to its conclusion.

The statement has been made upon this floor that inasmuch as an appropriation of \$175,000 was made some five years ago and that we have only expended \$5,000, leaving a balance of \$170,000, there is no occasion for an additional appropriation. The truth about that is that the original appropriation of \$175,000 was made upon the condition that the people of King County procure the right of way for that canal before they could expend any of the money.

For four years they have been putting forth their energy and spending the money to acquire that right of way. They have acquired the right of way, they have deeded it to the Government, and the Government has accepted the deed. Now, here is a proposition that is so vast that an additional appropriation of \$100,000 is not only advisable but absolutely necessary. Time after time and time after time this committee has made provision for various projects covered by this bill in cases where there were unexpended appropriations on hand, and which could be expended.

[Here the hammer fell.]

Mr. BURTON. Mr. Chairman, this is a proposition of such importance that I can not let it pass by in a minute. It is a project, uncommon in its nature, for providing a fresh-water basin near to a salt-water port, and for providing water of a uniform level into which boats may come for mooring from a port where the range of the tide is from 11 to 18 feet. Now, I think in the first place, when we classify improvements into necessities, comforts, and luxuries, that is a luxury.

Mr. CUSHMAN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CUSHMAN. For what period of time is the gentleman recognized in opposition to this matter?

The CHAIRMAN. On the point of order the gentleman is recognized for such length of time as the Chairman chooses to hear him.

Mr. BURTON. I understood, Mr. Chairman, that the point of order had been waived and that the gentleman obtained unanimous consent to have his amendment pending. I did not object to his having unanimous consent.

Mr. CUSHMAN. That is true.

Mr. BURTON. I expect to occupy only five minutes. I think I can show the salient features of this project inside of five minutes, if the gentleman will not interrupt me.

The CHAIRMAN. The Chair supposed the gentleman had obtained consent to address the committee on the merits of the proposition, but that the point of order had not been waived. It is entirely agreeable to the Chair, however—

Mr. BURTON. I understand that this proposition that \$100,000 be appropriated for this project is now pending before this committee, that the gentleman from Washington has spoken in favor of it, and that I am now recognized for five minutes to speak against it.

Mr. CUSHMAN. Is that with any understanding with reference to time in which to reply?

Mr. BURTON. I will be frank with the gentleman and say

that I shall ask that the debate close when I get through with my five minutes.

The CHAIRMAN. Under the rules of the House when an amendment is offered five minutes are allowed to the proposer of the amendment and five minutes to the party opposed to it, at which time it is supposed that a vote will be taken. The gentleman from Washington has spoken in favor of his amendment, and the gentleman from Ohio rises to oppose it and is recognized for five minutes.

Mr. BURTON. Mr. Chairman, if we are to provide a fresh-water basin to take off barnacles from vessels entering the port of Seattle why should we not make a similar provision at New York, Boston, New Orleans, and the other great seaports of the country? Gentlemen will do well to consider the matter carefully before establishing such a precedent. Then it is proposed here to take a part of a salt-water bay, known as Salmon Bay, raise the level of the upper part of the bay, and make the water on that upper level or reach fresh, while that below remains salt.

I do not believe it is a practicable idea. Then they propose by locks and dams to connect this upper portion of the bay with Lakes Union and Washington, which contain fresh water and are located near Seattle. I want to call attention to the fact that if the gentleman from Washington [Mr. CUSHMAN] will study his own project a little more thoroughly he will find this appropriation will do him no good, and I will tell him why. There was an order made for a survey very objectionable, because it did not call for a report upon the feasibility or advisability of the project, but to report the most feasible and advisable route from Salmon Bay to Lakes Union and Washington.

What did they advise in the way of locks? Locks 400 feet long, providing for a draft of 26 feet. And Mr. Hill is now building in Connecticut, to sail from this port, two boats 632 feet long and with a draft of 32½ feet. So what good would their projects do? They call for locks 400 feet long and 26 feet deep, entirely insufficient for the very boats that need them. They would come here simply asking for another and more expensive project. No good will be done by appropriating \$100,000. Do not let us delude ourselves. The whole \$2,900,000 would be so much money thrown away. They would come here and say: "That project is not sufficient; we must have another project that will provide for up-to-date boats."

From every standpoint, then, Mr. Chairman, comparing this project with others, the practicability of the general scheme and the practicability of this special scheme, this improvement is objectionable and should not be adopted.

I want to say that no one has more admiration for the port of Seattle, more interest as to its future greatness, than I have; but they should not have selected it out for that kind of improvements which we have not made elsewhere in the country. I move that debate upon this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the adoption of the amendment proposed by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

#### WISCONSIN.

Harbor at South Milwaukee: Resurvey, with a view to the modification of the present plan of said harbor, and with a view of ascertaining the feasibility and advisability of the construction of a harbor suitable for the needs of commerce at said port, with plans and estimates of the same.

Mr. BURTON. Mr. Chairman, I move to insert after line 21, as a separate item, "Harbor at Fort Washington."

The CHAIRMAN. Is there objection to the amendment offered by the gentleman from Ohio? [After a pause.] The Chair hears none.

So the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. BURTON. Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, to the House, with the recommendation that the bill, as amended, do pass.

Mr. CUSHMAN. I move an amendment to that motion. I move that the committee report this bill back to the House with the recommendation to recommit the same to the River and Harbor Committee.

Mr. BURTON. Mr. Chairman, I take it that that motion is not in order in Committee of the Whole. [After a pause.] Mr. Chairman, in order to save time I ask for a vote. I waive all points of order—

The CHAIRMAN. The Chair was having the authorities examined to see whether the motion of the gentleman from Washington would interfere with the motion of the gentleman from Ohio. It is not treated as a motion to amend. The question is as to which motion would have precedence. The Chair will rule that the motion of the gentleman from Ohio has precedence, and will put the motion of the gentleman. The motion is that the committee now rise and report the bill, with the amendments that have been adopted by the committee, with the recommendation

that the amendments be agreed to in the House and that the bill as amended do pass.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CUSHMAN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 185, noes 2.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13189, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will submit the amendments in gross.

The amendments were agreed to in gross.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. SULZER. I demand the yeas and nays.

Mr. CUSHMAN. Mr. Speaker, I move to recommit the bill to the Committee on Rivers and Harbors.

The SPEAKER. The gentleman from Washington moves that the bill be recommitted to the Committee on Rivers and Harbors.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. CUSHMAN. I ask for a roll call—the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Six gentlemen have arisen—not a sufficient number, evidently, and the yeas and nays are refused. The noes have it, and the motion to recommit is rejected. The question now is on the passage of the bill.

Mr. SULZER. Mr. Speaker, I call for the yeas and nays on the final passage of the bill.

The question was taken on ordering the yeas and nays.

The SPEAKER. Thirteen gentlemen have arisen, evidently not a sufficient number, and the yeas and nays are refused.

The question was taken on the passage of the bill, and the bill was passed. [Loud applause.]

On motion of Mr. BURTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### MESSAGES FROM THE PRESIDENT.

The following messages from the President of the United States were severally read, ordered to be printed, and referred to the Committee on Agriculture:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of Agriculture on the work and expenditures of the agricultural experiment stations established under the act of Congress of March 2, 1887, for the fiscal year ended June 30, 1900, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

The attention of Congress is called to the request of the Secretary of Agriculture that 3,000 copies of the report be printed for the use of the Department of Agriculture.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 16, 1901.

To the Senate and House of Representatives:

I transmit herewith a fourth report on the investigations of the agricultural capabilities of Alaska for the year 1900, in accordance with the acts of Congress making appropriations for the Department of Agriculture for the fiscal years ending June 30, 1900, and June 30, 1901.

Attention is called to the request of the Secretary of Agriculture that if this report is published by Congress 2,000 copies be printed for the use of the Department of Agriculture.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 16, 1901.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a letter from the Secretary of Agriculture, in which he presents a preliminary report of investigations upon the forests of the southern Appalachian mountain region. Upon the basis of the facts established by this investigation, the Secretary of Agriculture recommends the purchase of land for a national forest reserve in western North Carolina, eastern Tennessee, and adjacent States. I commend to the favorable consideration of the Congress the reasons upon which this recommendation rests.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 16, 1901.

#### INAUGURATION EXPENSES, MARCH 4, 1901.

Mr. BINGHAM. Mr. Speaker, I am directed by the Committee on Appropriations to report back Senate joint resolution 142, and I am directed to ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Pennsylvania, by direction of the Committee on Appropriations, asks unanimous consent for the present consideration of the joint resolution which the Clerk will report to the House.



The Clerk read as follows:

Joint resolution to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1901.

*Resolved, etc.,* That to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States March 4, 1901, in accordance with the programme adopted by the committee of arrangements appointed under resolution of the Senate of the 11th day of December, 1900, including the pay for extra police for three days, at \$3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, \$5,000, or so much thereof as may be necessary, the same to be immediately available.

With the following amendments recommended by the committee:

In line 5 strike out the words "and Vice-President."

In line 8, after the word "with," strike out all down to and including the word "hundred," in line 9, and insert in lieu thereof the following:

"Such programme as may be adopted by a joint committee of the Senate and House of Representatives, to be appointed under a concurrent resolution of the two Houses."

In line 12 strike out the word "five" and insert the word "seven."

Amend the title so as to read: "Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1901."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have the resolution read as it will be when amended.

The SPEAKER. The Clerk will now read the resolution as it will be when amended.

The Clerk read the resolution as it would read as amended.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WM. ALDEN SMITH. Mr. Speaker, I would like to ask the gentleman a question.

Mr. BINGHAM. Very well.

Mr. WM. ALDEN SMITH. Why does the name of the Vice-President not appear?

Mr. BINGHAM. Because the Committee on Appropriations followed literally the instructions of the House, and if the gentleman desires I will read to him from the RECORD:

Mr. DALZELL. I move to recommit to the Committee on Appropriations with instructions to report a resolution providing for the expenses of the inauguration of the President of the United States, to be had under a programme subject to arrangements to be made by a joint committee of the House and Senate.

The SPEAKER. The gentleman from Pennsylvania moves to recommit with instructions that the Committee on Appropriations report back a resolution providing for the inauguration of the President of the United States. Does he include the Vice-President?

Mr. DALZELL. No.

The SPEAKER (continuing). The President of the United States, under the superintendence of a joint committee of the House and Senate.

The question was taken; and the motion to recommit was agreed to.

I submit that the committee followed the instructions of the House because your committee had no other authority. But I am authorized by the unanimous vote of the Committee on Appropriations to state to the House that there should be, in accordance with their judgment, such action on the part of the House that instead of striking out the words "Vice-President" to insert it in the title, and so far as the body of the resolution is concerned to insert it. That is the direction of the committee.

Mr. WM. ALDEN SMITH. It seems to me that that would be much better than as reported by the committee.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

Mr. BINGHAM. Mr. Chairman, your committee has followed the instructions of the House. As I have just stated, the committee is of the opinion that where the word "Vice-President" occurs in the joint resolution it should be retained. I have consulted with the gentleman from Pennsylvania [Mr. DALZELL] who submitted the motion for recommitment, and he sees no objection to it, and as there was some objection on the right of me yesterday, in connection with the ceremonies pertaining to the Vice-Presidency and incurring expenses therewith, I trust the gentleman has no objection. I ask that in the report of the committee, so far as the preamble is concerned, that the word "Vice-President" may be inserted, and also that in line 4, after the word "President," the words "and Vice-President" may be inserted, or the House nonconcur in the amendments, thereby retaining the word "Vice-President" where it occurs in the Senate joint resolution.

Mr. HEPBURN. Mr. Speaker, I thought the gentleman was instructed to report a proposition directly opposite to that which he now proposes. The gentleman's position seems to me to be somewhat singular. He was instructed by this House to make a particular report. That was by almost a unanimous vote. He makes the report and now proposes to modify the report and go back to the original proposition substantially.

Mr. BINGHAM. If the gentleman will allow me, I have said that the Committee on Appropriations makes a report in accordance with the order of the House—a direct literal following of the House instruction. I have further said that I am instructed by the Committee on Appropriations, by the unanimous action of the committee, to submit to the House an amendment in refer-

ence to the ceremony pertaining to the inaugural of the Vice-President. I am obeying simply the instructions of the committee. It is the right of the House to vote down the amendment I have submitted. I obey my committee in submitting it to the House.

Mr. HEPBURN. In other words, the committee makes a report complying with the demands of the House, and another report directly opposed to the command of the House.

Mr. BINGHAM. No; not at all. We comply with the specific instructions of the House, to the effect that we have brought in this resolution. That I will follow with a concurrent resolution whereby the Speaker of the House and the President pro tempore of the Senate shall be called upon to appoint a committee of three from each House to carry out the details of the joint resolution.

Under the rulings heretofore made that must come as a concurrent resolution. If the gentleman from Iowa objects, it is for the House to determine whether they will include the words "and the Vice-President." The real contention, and the vote taken yesterday, was that there should be a committee of the two Houses, and not to leave the matter exclusively with the Senate. In other words, there should be a joint committee of the two Houses in making arrangements for the inaugural ceremonies pertaining to the President.

Mr. HEPBURN. If the gentleman will permit me, I think he is mistaken as to the action of the House. The gentleman from Pennsylvania [Mr. DALZELL] moved his instructions that the committee should report a bill omitting the words "the Vice-President of the United States." He was asked specifically if he proposed that. He stated that he did, and, the House being thus informed, I presume voted understandingly to instruct the Committee on Appropriations to report such a bill. Now the gentleman says that he does that.

Mr. BINGHAM. I do.

Mr. HEPBURN (continuing). Yet at the same time he says that he reports unanimously from the committee another proposition that the words the House moved to strike out shall be inserted in the bill.

Mr. BINGHAM. The committee has literally complied with the instructions of the House.

Mr. HEPBURN. By making two reports, one in favor of and one against.

Mr. BINGHAM. I have submitted, in accordance with the rules of the House, the written report in accordance with the instruction given to the committee by the House. That report is before the House. It was read, and is here now for consideration and action.

Now, I make a separate verbal submission to the House—

Mr. HEPBURN (interrupting). At the instance of the committee?

Mr. BINGHAM. That is from the committee. The verbal submission that after an examination of the question the committee is of the opinion, unanimously, that the words "Vice-President" should be included; in other words, that the ceremonies attendant upon his inauguration should form a part of what we may call the arrangements, so far as the joint committee can arrange, for these inaugural ceremonies.

Mr. HEPBURN. Let me see if I understand the gentleman's proposition. He has brought in two reports—

Mr. BINGHAM. No; one report and a verbal submission—

Mr. HEPBURN (continuing). One report and the other is a report in the nature of a verbal submission, as he calls it, one for and one against what the House has ordered.

Mr. BINGHAM. Oh, the gentleman knows it can be amended. He can vote it down. The matter is before the House. There is no impropriety in moving to amend the report of the committee.

Mr. HEPBURN. But I understand the gentleman to submit a report from the Committee on Appropriations which was directed by the House. He now says he submits that report, but he says at the same time that he makes a submission, as he calls it, of a verbal report, amending the original report. In other words, one report is for and the other against. He tells this House that the latter proposition has been unanimously recommended by the committee, although it is directly in opposition to the report the committee was directed to make by the House.

Mr. BINGHAM. If the gentleman objects to my making the report the committee authorizes, the gentleman knows that the matter is subject to amendment, and if he objects to it of course he can vote against it.

Mr. HEPBURN (from his seat). I presumed that might be done. [Laughter.]

Mr. McRAE. Mr. Speaker, there is nothing inconsistent in the action of the Committee on Appropriations, and I hope I may be excused for saying a word just here as to this matter.

As the acting chairman of the committee [Mr. BINGHAM] has stated, the report of the committee on this resolution is strictly in accordance with the instructions of the House. But he was instructed by the committee to suggest to the House when the

report was submitted the impropriety of striking out the provision for the inauguration of the Vice-President. The committee thought the House intended by its action to assert its right to be consulted about these ceremonies, and that if this should be admitted there would be no objection to leaving the Vice-President in the resolution. In my opinion there is no good reason why he should be omitted; and now, when the resolution is back, the House, if it desires to amend it so that in the joint inaugural ceremonies the Vice-President may be included, can do so.

The committee has performed its duty and complied with the instruction of the House. The House can take such steps as it may desire on the report as presented. The committee, however, does not consider it improper to suggest that the House ought not to adhere to the amendment which expressly eliminates the Vice-President and treats him simply as an officer of the Senate. He is more than that. He is to be Vice-President of the United States, and by virtue of this great office is President of the Senate.

As one member of the committee, and a member of the House, I believe that it would be highly improper and discourteous to the Vice-President-elect to refuse to embody the provision for his inauguration ceremonies, under the joint control of the Senate and House, if we are to have any at all.

I think that so much of the amendment as proposes to strike out the Vice-President should be voted down.

Mr. BINGHAM. I yield to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, the main purpose that I had in mind when I moved to recommit the resolution that came from the Committee on Appropriations was to secure a recognition of the House of Representatives on the part of the Senate. In other words, I supposed that I was securing what belongs to us as of right. The suggestion was made by the gentleman from Iowa [Mr. HEPBURN] that the inauguration of the President of the Senate was no necessary part of the inauguration of the President of the United States, and I fell in with that view, and it so seemed to me at the time.

Since that time, however, a great many gentlemen have come to me and suggested that it would be impossible to separate the two, the inauguration of the President and the inauguration of the Vice-President; that it was all one ceremony, and I consequently said so to my colleague from Pennsylvania [Mr. BINGHAM] when he submitted that resolution to me and told me of the suggestion made by the Committee on Appropriations. I assented to his making the statement to the House that I assented to that as reasonable, and was willing that the sense of the House might be secured on that point.

The SPEAKER. The Chair thinks a separate vote had probably better be taken on each of these amendments. The Clerk will report the first amendment.

Mr. HEPBURN. Will the gentleman yield to me?

Mr. HEMENWAY. I want to demand a separate vote on each of the amendments.

The SPEAKER. A separate vote is demanded. Does the gentleman from Pennsylvania yield to the gentleman from Iowa [Mr. HEPBURN]?

Mr. BINGHAM. I do.

Mr. HEPBURN. Mr. Speaker, I differ with the gentleman from Pennsylvania [Mr. DALZELL] in the statement that he has made that these two functions are inseparable.

Mr. DALZELL. I said it was so represented to me. I expressed no opinion about it.

Mr. HEPBURN. Then it is the idea of somebody else that I want to controvert?

Mr. DALZELL. Quite a number of gentlemen made the suggestion.

Mr. HEPBURN. In my judgment the two things are entirely distinct. The one pertains to the presiding officer of the Senate. It has the same relation to the inauguration of the President of the United States that the induction of our honored Speaker has to that event. The President of the United States has no participation whatever, necessarily, in that function, and his inauguration would be as complete anywhere else. Three times, I remind you, a President of the United States has been inducted into office, clothed with all of his functions and powers, when the Senate of the United States was not in session, and when there was not any attempt to secure their cooperation.

Mr. BINGHAM. The same condition occurred with President Arthur.

Mr. HEPBURN. Their presence is absolutely unnecessary, as completely so as would be the presence of the House. Now, they propose that we participate in the inauguration of the Vice-President, their presiding officer, and in the inauguration of the President. I care nothing about the inauguration of the Vice-President, any more than a Senator would care about the inauguration of the Speaker of the House. I am interested, and we all are, in the inauguration of the President, an event that takes

place in an entirely different place, at a different time, under entirely different circumstances, and that has no relation whatever to the inauguration of the Vice-President. We are interested in the former; we are not in the latter.

Mr. BINGHAM. Will the gentleman allow a suggestion?

Mr. HEPBURN. Certainly.

Mr. BINGHAM. The special place and the mode of proceeding in connection with the inauguration of the Vice-President of the United States in the Senate Chamber, as well as the ceremonies in connection with the inauguration of the President of the United States at the east front of the Capitol, have no existence in statute in any form whatever.

Mr. HEPBURN. That is very true.

Mr. BINGHAM. They are functions and ceremonies for which a committee such as is now suggested will make all arrangements. These functions are wholly beyond the statute and only exist as a committee of arrangements may determine under resolution of the two Houses.

Mr. HEPBURN. That is exactly as I understand it, and therefore I think there is no necessity of including in any way any provision for the inauguration of the Vice-President in this legislation. Let us attend to those matters that pertain to us, in which we have an interest, and that are our business, or may be.

Mr. HOPKINS. Now, will the gentleman allow a question right there?

Mr. HEPBURN. Certainly.

Mr. HOPKINS. Would it not be a proper courtesy to extend to the incoming Vice-President?

Mr. HEPBURN. What courtesy?

Mr. HOPKINS. To have the House attend in a body to witness the ceremony of his induction into office?

Mr. HEPBURN. If the House is willing to go through with the scenes we have been familiar with, and within the knowledge of myself and every other member for a long time connected with this House. We are invited, it is true, but treated with contempt and indignity; and my refusal to further participate is because of the contempt that has been shown this House time and again.

We are invited there and find no provision for us. Time and again members of the House have gone there, two and three hundred strong, and found that fifty or sixty could be seated, a hundred or more could be permitted to stand up in the corners of the Chamber, and the balance of them wait in the corridors until the Vice-President was inaugurated and it was time to begin the ceremonies of the inauguration of the President.

Mr. BINGHAM. Will the gentleman permit an inquiry?

Mr. HEPBURN. Certainly.

Mr. BINGHAM. I have no doubt of the correctness of the gentleman's statement that there have been occasions when members of the House have been greatly inconvenienced in attending the functions in the Senate; but when we are proceeding to legislative action, in taking cognizance of all that pertains and surrounds the inauguration of the President of the United States, is it wise to completely ignore an attendance upon the installation of the Vice-President?

Mr. HEPBURN. I say so, absolutely, upon the part of this House. It is none of our business to be there while they inaugurate their President.

Mr. BINGHAM. We are making it our business. Let me say this to the gentleman. The gentleman well knows that when the Speaker's gavel falls at 12 o'clock on the 4th day of March we are simply citizens of the United States, and the only standing we can have in the participation of the ceremonies pertaining to the inauguration of the President of the United States is determined through this character of legislation, when we are in existence, and not after the 4th of March, when we are legislatively dead.

Mr. HEPBURN. I appreciate that; and how do you remedy it? By concurrent resolution. That ends with the 4th of March. Do you prolong the existence of the membership of this House by your concurrent resolution?

Mr. BINGHAM. Oh, yes.

Mr. HEPBURN. If you will have a joint resolution and make it law, then you so project the life of your committee into the future that it has that power after 12 o'clock on the 4th of March.

Mr. BINGHAM. If the gentleman wants to discuss—

Mr. HEPBURN (continuing). What are your committee but private citizens at the time you propose they shall participate? They are simply private citizens, and they have no standing in this matter except by the grace of the Senate. But if you pass a joint resolution and make it law, that extends the official life of these gentlemen as a committee.

Mr. BINGHAM. When we come to the concurrent resolution, I will submit to the House why it is a concurrent resolution; and the appointment of this committee follows the precedents. If the gentleman will permit me, I will submit it now. It has been contended, and the contention has been made both in the House and in the Senate, that the President has no right to participate in the



organization of either House of Congress, and it is therefore improper to provide for a committee of either House, or the two Houses, other than in a resolution or a concurrent resolution, which does not go to the President for his sanction. Now, on that the precedents are all in the shape of a concurrent resolution. I ask, Mr. Speaker, for the consideration of the amendments.

The SPEAKER. The Clerk will report the first amendment. The Clerk read as follows:

In line 3, after the word "Senate," insert the words "and Clerk of the House of Representatives."

The amendment was agreed to.

The SPEAKER. The Clerk will now report the second amendment.

The Clerk read as follows:

In line 5 strike out the word "Vice-President."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HEMENWAY. Mr. Speaker, before that amendment is voted on, I desire to say a word. If the House wants to participate in the inauguration of the Vice-President, if we want to join in this ceremony, we will leave the word "Vice-President" in. I am satisfied it was not the intention of the gentleman from Pennsylvania, nor the intention of the House yesterday, to strike out the word "Vice-President."

The contention of the House was that we should be recognized in the inauguration ceremonies on the east front of the Capitol, and that they should be in charge of a joint committee of the House and the Senate, and that the Senate alone should not conduct these ceremonies. There is no question but that that was the intention of the House yesterday, and if we vote down this amendment, the President and Vice-President will be inaugurated under the direction of the joint committee of the House and Senate.

Now, as to the contention that the House is not fairly treated in these ceremonies, I have these figures to submit. It is well known that the Members of the House are allowed two tickets each to the ceremony in the Senate. The Senators have four each. In other words, the Senators have 360 and the House has 714. That is for the galleries of the Senate. The Members of the House have 714 tickets to distribute to their constituents, while the Senators only have 360 tickets.

Then, when we come to the platform out here, those who are in the Senate Chamber come out and go onto the central platform and occupy the seats on that platform. The House has 714 tickets to give out, while only 360 seats are given out by the Senate for seats on this central platform. In addition to that, the members of the House are seated on the platform, and the members-elect are seated on the platform. So by any system of figuring you can go through the House of Representatives has two-thirds of the seats on the central platform.

In addition to that, it is proposed by this resolution to build another platform that will seat 2,100 people for the House, and give to the members of the House something over five tickets each or about six tickets each that they can give out to their constituents. We shall have a platform on this side of the central platform, and the Senate will have a platform on their side. Now, that seems to me a perfectly fair arrangement.

Why should this House say that we will not participate in the inauguration ceremonies of a Vice-President? We all know the Vice-President is more than a presiding officer of the Senate. He may become the President of the United States; he was elected by the people of the United States. The House of Representatives ought not to say that it will not take part in the inauguration of a Vice-President of the United States, and do something that no Congress ever did in the history of the United States. Now, simply vote down this amendment, and we will take part in the inauguration of the Vice-President. In order to leave the words in, this amendment which is now proposed ought to be voted down, and I hope the House will vote it down.

The SPEAKER. The question is on agreeing to the amendment just reported by the Clerk.

The question was taken; and the amendment was rejected.

The SPEAKER. The Clerk will now read the next amendment. The Clerk read as follows:

In line 6, after the word "with," strike out all down to and including the word "hundred," in line 9, and insert in lieu thereof the following: "Such programme as may be adopted by a joint committee of the Senate and House of Representatives, to be appointed under a concurrent resolution of the two Houses."

The question was taken; and the amendment was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

In line 12, strike out the word "five" and insert the word "seven."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The resolution was ordered to be read a third time; and being read the third time, it was passed.

The SPEAKER. The Clerk will now read the amendment in reference to the title.

The Clerk read as follows:

Amend the title so as to read: "Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1901."

The SPEAKER. Without objection, the title will be amended, and so as to include the words "Vice-President."

There was no objection.

On motion of Mr. BINGHAM, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

Mr. BINGHAM. Mr. Speaker, I now offer the following concurrent resolution:

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President of the United States on the 4th day of March, next.*

The SPEAKER. Is there objection to the present consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The concurrent resolution was agreed to.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

#### URGENT DEFICIENCY BILL.

Mr. MOODY of Massachusetts. Mr. Speaker, by direction of the Committee on Appropriations, I ask unanimous consent of the House, as in Committee of the Whole, to consider the urgent deficiency bill, which has been sent to the desk.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the urgent deficiency bill, which the Clerk will report.

Mr. RICHARDSON of Tennessee. I hope the gentleman will not insist on bringing that up now. It is now quarter past 5 o'clock.

Mr. MOODY of Massachusetts. If it takes over three minutes I will withdraw it. It is a unanimous report of the committee.

Mr. RICHARDSON of Tennessee. Is there any necessity for its passing this evening?

Mr. MOODY of Massachusetts. Great necessity. Unless this bill becomes a law by next Friday, work which is of great convenience to the public will have to stop.

The bill was read, as follows:

A bill (H. R. 13599) to supply a deficiency in the appropriation for transcripts of records and plats in the General Land Office.

*Be it enacted, etc., That the sum of \$9,350 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation made for the fiscal year 1901, for furnishing transcripts of records and plats, General Land Office, to be expended under the direction of the Secretary of the Interior: Provided, That copyists employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of \$2 per day while actually employed, at such times and for such periods as exigencies of the work may demand.*

Mr. MOODY of Massachusetts. Just a word of explanation. This bill is to continue an appropriation which runs in the current law. It provides for furnishing transcripts of plats and records from the General Land Office as they are called for by the public, the applicants paying more than the cost to the Government.

Mr. RICHARDSON of Tennessee. It is a unanimous report?

Mr. MOODY of Massachusetts. Yes, sir; the appropriation has run out. The force engaged upon this work will have to be discharged unless this bill be passed.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MOODY of Massachusetts, a motion to reconsider the last vote was laid on the table.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5395. An act to authorize the United New Jersey Railroad and Canal Company and the Philadelphia and Trenton Railroad Company, or their successors, to construct and maintain a bridge across the Delaware River—to the Committee on Interstate and Foreign Commerce.

S. 5549. An act granting an increase of pension to Horatio N. Davis—to the Committee on Invalid Pensions.

S. 5019. An act granting an increase of pension to Julia Crenshaw—to the Committee on Pensions.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. BUTLER, for the balance of the week, on account of important business.

To Mr. DINSMORE, indefinitely, on account of sickness.

## WITHDRAWAL OF PAPERS.

Mr. PUGH, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the following cases, there having been no adverse report:

Ann Stewart, administratrix of William Stewart (H. R. 6535).  
 Thomas C. Isgrigg (H. R. 6540).  
 J. B. McClintock (H. R. 6538).  
 Marcus L. Broadwell's administrator (H. R. 6539).  
 James S. Frizzell (H. R. 6537).  
 Thomas V. Stirman's estate (H. R. 6536).

And then, on motion of Mr. DALZELL (at 5 o'clock and 15 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an additional estimate of appropriation for construction and repairs of vessels—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law in the French spoliation claims of the brig *Betsey*, George R. Turner, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting deficiencies in appropriations for the service of the Patent Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Commissary-General of Subsistence, papers relating to reimbursement of Lieut. S. J. B. Schindel for loss of United States funds by burglary—to the Committee on Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13236) granting a pension to James Barton, reported the same with amendment, accompanied by a report (No. 2335); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12473) granting an increase of pension to E. Bradford Gay, reported the same with amendment, accompanied by a report (No. 2336); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11395) granting a pension to Sarah J. Binnix, reported the same with amendment, accompanied by a report (No. 2337); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9005) granting an increase of pension to William W. Schooley, of Plymouth, Pa., reported the same with amendment, accompanied by a report (No. 2338); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9584) granting an increase of pension to Samuel F. Bell, reported the same with amendment, accompanied by a report (No. 2339); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11085) granting a pension to Mary M. Sprandel, widow of Julius Sprandel, deceased, late a first lieutenant of engineers, Pennsylvania Volunteers, reported the same with amendment, accompanied by a report (No. 2340); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13088) granting an increase of pension to Peter Brunette, reported the same with amendment, accompanied by a report (No. 2341); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13049) granting a pension to Elizabeth

Fury, reported the same with amendment, accompanied by a report (No. 2342); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10995) granting a pension to William Mitchell, reported the same without amendment, accompanied by a report (No. 2343); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1203) granting an increase of pension to Lewis S. Horsey, reported the same without amendment, accompanied by a report (No. 2344); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3750) granting a pension to Paulina Smith, reported the same without amendment, accompanied by a report (No. 2345); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3881) granting an increase of pension to Henry D. Johnson, reported the same without amendment, accompanied by a report (No. 2346); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3338) granting a pension to Mary A. Morton, reported the same without amendment, accompanied by a report (No. 2347); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5192) granting an increase of pension to Richard O. Greenleaf, reported the same without amendment, accompanied by a report (No. 2348); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4788) granting an increase of pension to George P. Beach, reported the same without amendment, accompanied by a report (No. 2349); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2228) granting an increase of pension to Oliver W. Miller, reported the same without amendment, accompanied by a report (No. 2350); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2226) granting an increase of pension to Henry Muhs, reported the same without amendment, accompanied by a report (No. 2351); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4841) granting an increase of pension to George A. Parker, reported the same without amendment, accompanied by a report (No. 2352); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2109) granting an increase of pension to Carroll W. Fuller, reported the same without amendment, accompanied by a report (No. 2353); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2621) granting an increase of pension to Charles Frye, reported the same without amendment, accompanied by a report (No. 2354); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill H. R. 13581, reported in lieu thereof a resolution (H. Res. 366) for the relief of Charlotte Spears, accompanied by a report (No. 2355); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the House (H. R. 6032) for the relief of David V. Howell, reported the same with amendment, accompanied by a report (No. 2356); which said bill and report were referred to the Private Calendar.

Mr. BAILEY of Kansas, from the Committee on Claims, to which was referred the bill of the House (H. R. 12554) for the relief of James M. Chisham, reported the same with amendment, accompanied by a report (No. 2357); which said bill and report were referred to the Private Calendar.

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. HULL, from the Committee on Military Affairs, to which was referred the resolution of the House (H. Res. 315) regarding the action of General Chaffee in China, reported the same adversely, accompanied by a report (No. 2358); which said bill and report were ordered to lie on the table.



## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13504) for the relief of Catherine Pflueger, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LINNEY (by request): A bill (H. R. 13600) to prevent the assignment of clerks to duty as exhibitors at any exposition—to the Committee on Reform in the Civil Service.

By Mr. JENKINS: A bill (H. R. 13601) to prevent overhead wires within the fire limits of the District of Columbia—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: A bill (H. R. 13602) enlarging and defining the jurisdiction of the United States district court for Porto Rico—to the Committee on Insular Affairs.

By Mr. FLYNN: A bill (H. R. 13603) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes—to the Committee on the Judiciary.

By Mr. BROMWELL: A bill (H. R. 13604) to create a Railway Mail Service relief fund—to the Committee on the Post-Office and Post-Roads.

By Mr. O'GRADY: A bill (H. R. 13605) to amend the immigration laws of the United States relative to the insane, idiotic, or epileptic—to the Committee on Immigration and Naturalization.

By Mr. DAVIS: A bill (H. R. 13606) authorizing the establishment of a light signal at or near Hillsboro Point, Florida—to the Committee on Interstate and Foreign Commerce.

By Mr. OTEY: A bill (H. R. 13607) to provide additional force at the workhouse and the almshouse, District of Columbia—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 13608) for the extension of Seventeenth street to the Walbridge subdivision of Ingleside—to the Committee on the District of Columbia.

By Mr. WILSON of Arizona: A joint resolution (H. J. Res. 296) to authorize certain officers of Treasury Department to audit, certify, and pay claims of certain counties of Arizona—to the Committee on Claims.

By Mr. McCALL: A bill (H. R. 13609) to incorporate the Society of American Florists and Ornamental Horticulturists—to the Committee on the Judiciary.

By Mr. BRICK: A concurrent resolution (H. C. Res. 69) directing the printing and binding of 15,000 copies of the records and all the arguments and briefs in the cases of John H. Goetze vs. The United States, etc.—to the Committee on Printing.

By Mr. OVERSTREET: A resolution (H. Res. 367) authorizing the Clerk of the House to pay Jesse G. Bunnell extra pay for extra services—to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BERRY: A bill (H. R. 13610) for the benefit of Jane Day—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 13611) for the relief of the heirs of James Billiu, deceased—to the Committee on Claims.

Also, a bill (H. R. 13612) for the relief of the estate of Francois Lagleize, deceased—to the Committee on War Claims.

By Mr. COONEY: A bill (H. R. 13613) granting an increase of pension to A. J. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13614) granting a pension to B. Sappington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13615) granting an increase of pension to William H. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13616) granting an increase of pension to W. W. Donhan—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 13617) granting an increase of pension to George W. Parker—to the Committee on Invalid Pensions.

By Mr. FREER: A bill (H. R. 13618) granting a pension to Mary Elizabeth Hawk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13619) granting a pension to Henry King—to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 13620) to remove the charge of desertion standing against the name of Thomas F. Adams—to the Committee on Military Affairs.

By Mr. HALL: A bill (H. R. 13621) granting an increase of pension to James P. Burchfield—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 13622) granting a pension to Silas H. Cronk—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 13623) to amend "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia"—to the Committee on the District of Columbia.

By Mr. SNODGRASS: A bill (H. R. 13624) granting a pension to Stephen D. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13625) to correct military record of Calvin Smith, deceased—to the Committee on Military Affairs.

By Mr. WEYMOUTH: A bill (H. R. 13626) to remove the charge of desertion now standing against John Milan—to the Committee on Military Affairs.

By Mr. GILLET of Massachusetts: A bill (H. R. 13627) to remove the charge of desertion standing against the name of Jerry Horan—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13628) for the relief of the estate of F. L. Hammond, deceased, late of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13629) to authorize the Secretary of War to cause to be investigated and to provide for the payment of the claim of the Florence Masonic Lodge, of Florence, Ala., for the destruction of their buildings for Government purposes by the United States military authorities during the late war, and all claims for damages resulting from the appropriation to Government use of any of the furnishings or materials pertaining to said buildings, and for damage to said buildings—to the Committee on War Claims.

By Mr. RIDGELY: A bill (H. R. 13630) granting a pension to Emma M. Thompson—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROMWELL: Petitions and memorials from the following posts of the Grand Army of the Republic, in favor of House bill No. 5779, granting preference to soldiers and sailors of the civil war for appointments in the Government service; which were referred to the Committee on Reform in the Civil Service, viz:

Alabama—Post No. 15.  
Arkansas—Posts Nos. 14, 19, 23, 27, 45.  
California and Nevada—Posts Nos. 1, 4, 5, 7, 17, 20, 23, 33, 34, 45, 48, 49, 54, 55, 56, 82, 88, 93, 103, 118, 124, 126, 127, 140, 141, 169, 171, 177, 179.  
Colorado and Wyoming—Posts Nos. 2, 4, 8, 12, 39, 42, 46, 47, 49, 70, 76, 81, 85, 96, 99, 100, 102.  
Connecticut—Posts Nos. 1, 2, 8, 9, 17, 18, 23, 33, 36, 39, 48, 49, 53, 56, 67, 76, 78.  
Delaware—Posts Nos. 2, 3, 5, 23.  
District of Columbia—Posts Nos. 1, 6, 7, 9, 15.  
Florida—Posts Nos. 20, 21.  
Illinois—Posts Nos. 5, 7, 9, 28, 30, 40, 45, 49, 55, 67, 70, 75, 80, 81, 86, 88, 91, 98, 106, 109, 120, 121, 128, 135, 140, 149, 162, 153, 164, 169, 186, 195, 198, 203, 209, 243, 244, 251, 257, 263, 265, 272, 274, 278, 282, 283, 291, 299, 311, 325, 339, 342, 354, 358, 373, 384, 392, 404, 405, 409, 411, 414, 424, 437, 439, 445, 447, 460, 461, 471, 480, 494, 497, 502, 513, 525, 526, 534, 535, 540, 546, 551, 555, 560, 561, 573, 586, 587, 604, 616, 626, 628, 641, 666, 667, 668, 672, 682, 706, 729, 743, 751, 760, 774, 779, 780, 785, 788, 790, 792.  
Indian Territory—Posts Nos. 2, 5, 21, 25.  
Idaho—Posts Nos. 21, 27.  
Iowa—Posts Nos. 19, 20, 22, 29, 33, 40, 56, 71, 78, 88, 94, 97, 98, 100, 101, 103, 110, 117, 130, 139, 147, 165, 168, 171, 181, 190, 193, 194, 208, 211, 216, 241, 347, 348, 369, 371, 391, 400, 408, 466, 479, 497, 515.  
Kansas—Post Nos. 5, 6, 12, 14, 17, 35, 36, 43, 45, 47, 49, 53, 55, 65, 68, 72, 75, 83, 90, 92, 93, 100, 112, 113, 142, 153, 156, 187, 200, 206, 238, 240, 242, 252, 262, 265, 266, 267, 297, 303, 305, 348, 350, 353, 379, 398, 409, 422, 427, 435, 443, 456, 463, 464, 468, 482, 493.  
Kentucky—Posts Nos. 2, 11, 20, 21, 33, 39, 56, 57, 70, 83, 156, 178.  
Maine—Posts Nos. 2, 15, 22, 28, 36, 102, 111, 122, 153.  
Massachusetts—Posts Nos. 1, 2, 4, 5, 7, 11, 12, 17, 19, 20, 22, 24, 29, 30, 32, 37, 38, 45, 46, 48, 49, 50, 51, 60, 62, 64, 67, 71, 74, 81, 82, 85, 88, 89, 92, 93, 94, 95, 96, 97, 106, 110, 111, 114, 115, 117, 121, 123, 131, 132, 133, 139, 140, 141, 149, 153, 157, 164, 166, 173, 174, 181, 184, 190, 191, 193, 196, 197, 199, 200, 204, 206, 208, 210.  
Minnesota—Posts Nos. 8, 20, 54, 57, 68, 72, 76, 87, 92, 103, 107, 119, 147, 151, 157, 186.  
Mississippi and Louisiana—Posts Nos. 6, 12, 14, 15, 20, 24, 25, 35, 43, 46, 48, 49.  
Maryland—Posts Nos. 1, 6, 7, 29, 31, 49, 65, 67, 70, 72.  
Michigan—Posts Nos. 1, 5, 6, 9, 11, 14, 31, 35, 37, 38, 42, 43, 45, 56, 60, 62, 66, 67, 72, 84, 87, 88, 89, 90, 96, 108, 110, 111, 119, 121, 125, 126, 128, 132, 133, 141, 149, 152, 156, 158, 160, 162, 166, 167, 168, 181, 182, 205, 210, 212, 218, 233, 235, 252, 255, 257, 258, 261, 262, 274, 280, 281, 283, 294, 300, 316, 326, 341, 343, 348, 351, 357, 365, 372, 377, 393, 395, 398, 408, 416, 425, 439, 445, 448.

Missouri—Posts Nos. 2, 4, 13, 16, 17, 19, 21, 22, 26, 29, 30, 34, 39, 42, 53, 59, 69, 78, 107, 110, 115, 124, 141, 158, 171, 177, 190, 194, 197, 214, 219, 220, 247, 251, 257, 271, 282, 316, 320, 322, 332, 352, 358, 377, 383, 387, 391, 393, 424, 429, 437, 458, 466, 488, 514, 544, 549, 569.

New Hampshire—Posts Nos. 2, 3, 4, 7, 9, 16, 17, 29, 46, 57, 64, 71, 72, 85, 86.

Nebraska—Posts Nos. 8, 11, 13, 18, 19, 24, 34, 61, 64, 77, 84, 89, 94, 95, 120, 132, 165, 177, 323.

New Jersey—Posts Nos. 2, 3, 4, 5, 11, 12, 14, 15, 16, 26, 27, 29, 34, 37, 43, 45, 46, 55, 64, 71, 73, 79, 83, 85, 103, 107, 11, 113, 118.

New Mexico—Posts Nos. 2, 3.

New York—Posts Nos. 2, 4, 5, 6, 7, 9, 11, 17, 18, 20, 21, 24, 28, 29, 30, 41, 42, 43, 44, 47, 52, 55, 60, 62, 67, 69, 75, 79, 80, 81, 83, 88, 89, 96, 104, 106, 109, 110, 111, 113, 117, 118, 121, 122, 130, 132, 135, 136, 141, 143, 148, 151, 156, 160, 162, 166, 179, 182, 185, 195, 197, 202, 206, 209, 212, 217, 219, 221, 222, 230, 231, 233, 237, 239, 240, 247, 251, 254, 255, 264, 269, 276, 279, 281, 283, 294, 299, 301, 307, 309, 315, 326, 327, 330, 333, 335, 342, 345, 354, 361, 366, 369, 371, 378, 389, 392, 393, 394, 399, 400, 402, 408, 409, 421, 422, 423, 427, 432, 435, 436, 442, 449, 451, 458, 471, 494, 496, 500, 516, 527, 529, 532, 539, 552, 559, 565, 578, 584, 585, 607, 623, 628, 630, 644, 650, 653, 656, 669.

North Dakota—Posts Nos. 2, 6, 7, 12, 15, 24, 38.

Ohio—Posts Nos. 1, 4, 5, 7, 12, 13, 14, 19, 21, 22, 25, 28, 36, 47, 54, 60, 67, 78, 79, 97, 103, 113, 117, 130, 137, 156, 158, 159, 162, 178, 182, 186, 187, 194, 195, 202, 204, 220, 222, 225, 232, 241, 249, 250, 251, 252, 277, 283, 310, 327, 332, 350, 352, 355, 368, 369, 384, 389, 422, 426, 435, 482, 487, 537, 565, 568, 579, 599.

Oklahoma—Posts Nos. 3, 40.

Oregon—Posts Nos. 6, 7, 13, 36, 70, 75.

Pennsylvania—Posts Nos. 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 22, 24, 28, 30, 31, 37, 39, 42, 44, 46, 47, 50, 51, 58, 59, 61, 62, 67, 68, 71, 73, 76, 78, 79, 84, 88, 90, 91, 96, 97, 98, 99, 114, 115, 116, 117, 118, 122, 123, 124, 130, 137, 140, 144, 146, 149, 151, 155, 159, 170, 179, 181, 182, 189, 203, 214, 215, 216, 217, 225, 226, 228, 232, 237, 246, 250, 256, 259, 275, 290, 293, 297, 308, 309, 311, 312, 336, 350, 357, 363, 366, 383, 400, 405, 406, 407, 452, 475, 476, 480, 494, 495, 502, 511, 527, 537, 569, 571, 576, 582.

Rhode Island—Posts Nos. 4, 6, 7, 10, 15, 17, 19, 24, 26.

South Dakota—Posts Nos. 7, 9, 13, 15, 17, 19, 62, 81, 89, 108, 127.

Texas—Posts Nos. 1, 3, 4, 10, 11, 19, 53, 78, 96.

Tennessee—Posts Nos. 1, 20, 21, 28, 40, 50, 67.

Utah—Posts Nos. 1, 3, 5, 6, 7.

Virginia and North Carolina—Posts Nos. 7, 14, 22, 33, 44, 47, 50, 53, 61.

Vermont—Posts Nos. 4, 6, 7, 13, 18, 26, 47, 60, 72, 98, 108, 111, 114, 116, 117.

West Virginia—Post No. 46.

Washington and Alaska—Posts Nos. 1, 2, 16, 22, 46, 47, 48, 64, 89, 90, 95, 99, 100.

Wisconsin—Posts Nos. 2, 4, 7, 8, 9, 17, 19, 20, 25, 33, 42, 44, 47, 50, 74, 83, 86, 87, 91, 94, 95, 98, 102, 109, 116, 126, 127, 147, 151, 157, 207, 208, 212, 213, 247, 261.

Montreal, Canada—Post No. 105.

By Mr. BULL: Petitions of keepers and surfmen of Point Judith, Block Island, and Narragansett Pier (R. I.) life-saving stations, for the passage of bill to promote the efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of citizens of Pittsburg and vicinity, State of Pennsylvania, favoring the exclusion of alcoholic liquor from Africa and all countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. DE ARMOND: Paper to accompany House bill granting an increase of pension to William H. Leavell—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Petition of the Merchants' Exchange of Charleston, S. C., praying that the operations of the United States Geological Survey be extended so as to include the forests of South Carolina and the Eastern States—to the Committee on the Public Lands.

Also, petition of the Merchants' Exchange of Charleston, S. C., praying that an appropriation be made to carry on the work of the Geological Survey relative to the water power of the country for manufacturing and other purposes—to the Committee on the Public Lands.

Also, petition of the Merchants' Exchange of Charleston, S. C., praying that an appropriation be made for the improvement of the public roads of the country—to the Committee on Agriculture.

Also, petition of the Merchants' Exchange of Charleston, S. C., praying for the establishment of a national forest reserve—to the Committee on the Public Lands.

By Mr. FREER: Petition of Henry King, also affidavits, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of William M. Cheuvront, of Wirt County, W. Va.—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Petition of C. A. Stanton and other business firms of Madison, Ind., for the repeal of the tax of 15 per

cent ad valorem on imported hides—to the Committee on Ways and Means.

By Mr. HAMILTON: Petitions of letter carriers of Benton Harbor, St. Joseph, and Dowagiac, Mich., in favor of the letter carriers' salary bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: Petition of A. W. Smith and 51 other citizens of Richmond, Me., against the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of citizens of the State of New Jersey, in favor of the anti-polygamy amendment to the Constitution and certain other measures—to the Committee on the Judiciary.

By Mr. MUDD: Petition of Joshua Jones, of Calvert County, Md., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCUDDER: Protest of citizens of Greenport, Long Island, against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky: Papers in support of House bill No. 11274, for the relief of George L. Neafus, of Meade County, Ky.—to the Committee on War Claims.

By Mr. YOUNG: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, resolutions of Farragut Association, Naval Veterans, of the port of Philadelphia, Pa., for the passage of Senate bill No. 3422, an act to equalize the rank and pay of certain retired officers of the Navy—to the Committee on Naval Affairs.

Also, petition of C. L. Shaffer and other railway postal clerks of the State of Illinois, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. K. Mulford Company, Philadelphia, Pa., advocating governmental aid to shipping, and the passage at this session of some measure that will accomplish this purpose—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Grand Army of the Republic Association of Philadelphia County, Pa., in favor of the passage of House bill granting an increase of pension to Col. Charles L. Leiper—to the Committee on Invalid Pensions.

## SENATE.

THURSDAY, January 17, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. Mr. President—

The PRESIDENT pro tempore. The Chair desires to say to those present, especially in the galleries, that under the rules of the Senate no applause and no evidences of disapprobation are permitted.

Mr. PENROSE. I rise to a question of privilege. I present the credentials of Hon. Matthew S. Quay as a duly elected Senator from the State of Pennsylvania, and ask that they be read.

The PRESIDENT pro tempore. The Secretary will read the credentials.

The Secretary read the credentials of Matthew Stanley Quay, chosen by the legislature of the State of Pennsylvania a Senator from that State for the balance of the constitutional term which began March 4, 1899.

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. PENROSE. I ask that Hon. Matthew S. Quay be now permitted to take the oath of office.

The PRESIDENT pro tempore. The Senator-elect will present himself at the desk to take the necessary oath.

Mr. Quay was escorted to the Vice-President's desk by Mr. PENROSE, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

## REPORTS ON ALASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Director of the Geological Survey recommending the passage of a resolution providing for the printing of 15,000 copies of the reports on Alaska, etc.; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.